

1 **SPECIAL AND LOCAL DISTRICTS**

2 **AMENDMENTS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brad L. Dee**

6 Senate Sponsor: Carlene M. Walker

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions relating to special districts and local districts.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ substantially rewrites, reorganizes, and renumbers provisions related to independent
14 special districts and dependent special districts known as county improvement
15 districts and municipal improvement districts;

16 ▶ consolidates and standardizes provisions relating to district authority, including
17 taxing, bonding, and eminent domain authority, district boards of trustees, actions
18 contesting a district resolution or other action, local district validation proceedings,
19 and other matters, and repeals redundant or inconsistent provisions;

20 ▶ changes terminology applicable to entities previously known as independent special
21 districts, except special service districts, so that they will be known as local
22 districts;

23 ▶ changes terminology applicable to what have previously been known as county
24 improvement districts and municipal improvement districts so that they will be
25 known as assessment areas;

26 ▶ expands the entities that are authorized to designate assessment areas from counties
27 and municipalities to include local districts and special service districts;

28 ▶ authorizes the creation of a new type of limited purpose local government entity
29 known as a basic local district and provides for its authority and the makeup of its

30 board of trustees;

31 ▶ authorizes the creation of a local district by another local district whose boundaries

32 completely encompass the proposed local district if the proposed local district is

33 being created to provide one or more components of the same service that the

34 initiating local district is authorized to provide;

35 ▶ extends eminent domain authority to cemetery maintenance districts and

36 standardizes language related to the eminent domain authority of all local districts

37 that have eminent domain authority;

38 ▶ authorizes local districts to acquire, lease, or construct and operate electrical

39 generation, transmission, and distribution facilities if the facilities are to harness

40 energy that results inherently from the district's operations, the primary purpose of

41 the facilities is incidental to the district's primary operations, and the operation of

42 the facilities will not hinder or interfere with the district's primary operations;

43 ▶ modifies the types of services that local districts may provide;

44 ▶ eliminates a redundant provision regarding the circumstances under which a local

45 district is conclusively presumed to be incorporated;

46 ▶ modifies a provision prohibiting board of trustees members from being employed by

47 the local district and provides an exception for remote districts;

48 ▶ authorizes a local district's board of trustees to determine the district's fiscal year;

49 ▶ authorizes local districts to combine a notice and hearing related to the district's

50 budget with the notice and hearing on a proposed fee increase;

51 ▶ authorizes local districts to charge on a single bill for multiple commodities,

52 services, or facilities the district provides and to suspend furnishing the commodity,

53 service, or facility for a customer's failure to pay;

54 ▶ authorizes local districts to certify delinquent fees or charges to the county treasurer

55 so that they become a lien on the customer's property;

56 ▶ increases the debt limit of a former regional service area from 5% to 12% of the

57 value of taxable property in the service area;

- 58 ▶ modifies who appoints members to the board of trustees of certain cemetery
- 59 maintenance districts;
- 60 ▶ increases the debt limit of a cemetery maintenance district from .0001 to .004 of the
- 61 value of taxable property in the district;
- 62 ▶ increases the debt limit of a mosquito abatement district from .0001 to .0004 of the
- 63 value of taxable property in the district;
- 64 ▶ modifies the calculation of the debt limit of a drainage district from \$1.50 per acre
- 65 to .002 of the value of taxable property in the district;
- 66 ▶ establishes a debt limit for basic local districts;
- 67 ▶ modifies the basis for calculating the debt limit of some districts from taxable value
- 68 to fair market value;
- 69 ▶ allows a municipality within an improvement district to elect not to appoint a
- 70 member to the board of trustees and participate instead in the election of board
- 71 members;
- 72 ▶ provides an exception to a residency requirement for board of trustees members in a
- 73 district with a specified percentage of seasonally occupied homes;
- 74 ▶ eliminates county legislative body approval as a requirement for a drainage district
- 75 to levy a property tax;
- 76 ▶ expands the authority of drainage districts to incur debt and authorizes them to incur
- 77 long-term debt;
- 78 ▶ modifies a provision relating to fire protection districts boards of trustees;
- 79 ▶ authorizes mosquito abatement districts to establish a reserve fund for extraordinary
- 80 abatement measures;
- 81 ▶ authorizes local districts to allow another political subdivision to use surplus
- 82 capacity or have an ownership interest in district facilities for monetary,
- 83 nonmonetary, or no consideration;
- 84 ▶ authorizes local districts to allow another political subdivision or a public or private
- 85 property owner to use the surface of land on which the district has a right-of-way,

- 86 for monetary, nonmonetary, or no consideration;
- 87 ▶ validates existing fire protection district boards of trustees;
- 88 ▶ modifies provisions relating to the board of trustees of a metropolitan water district;
- 89 ▶ modifies the area within which a mosquito abatement district may provide service;
- 90 ▶ eliminates a public transit district provision relating to labor dispute arbitration;
- 91 ▶ transforms a former regional service area into a service area and makes the former
- 92 regional service area subject to provisions applicable to service area;
- 93 ▶ rewrites and modifies powers of water conservancy districts and other political
- 94 subdivisions to enter into agreements related to water and water works;
- 95 ▶ rewrites and consolidates provisions relating to different classes of water
- 96 conservancy district assessments;
- 97 ▶ authorizes a local government entity to finance operation and maintenance costs of
- 98 improvements through an assessment area;
- 99 ▶ authorizes a local government entity to add additional property to a designated
- 100 assessment area under certain circumstances;
- 101 ▶ authorizes a local government entity to issue bond anticipation notes with respect to
- 102 anticipated bonds secured by property in an assessment area;
- 103 ▶ authorizes the levy of assessments in an assessment area by zones;
- 104 ▶ modifies provisions related to a board of equalization with respect to assessments
- 105 levied in an assessment area;
- 106 ▶ authorizes a local government entity to designate a trustee for purposes of
- 107 foreclosing a lien after a delinquency;
- 108 ▶ modifies provisions relating to a guaranty fund and reserve fund for paying
- 109 obligations relating to an assessment area;
- 110 ▶ allows property owners to waive requirements applicable to the designation of an
- 111 assessment area and the levying of an assessment in an assessment area; and
- 112 ▶ makes technical and conforming changes.

113 **Monies Appropriated in this Bill:**

114 None

115 **Other Special Clauses:**

116 This bill coordinates with H.B. 103, Statewide Mutual Aid Act, by providing changes
117 in terminology.

118 This bill coordinates with H.B. 140, Safe Drinking Water Amendments, by providing
119 changes in terminology.

120 This bill coordinates with H.B. 222, Open and Public Meetings - Electronic Notice, by
121 providing changes in terminology.

122 This bill coordinates with H.B. 253, Allowing State Memorials on State Property, by
123 providing changes in terminology.

124 This bill coordinates with H.B. 272, Prohibition Relating to Fees on Foster Homes for
125 the Use of Emergency Services, by providing changes in terminology.

126 This bill coordinates with H.B. 337, Local Government Post-Employment Benefit Trust
127 Fund Amendments, by providing changes in terminology.

128 This bill coordinates with H.B. 372, Local District Amendments, by providing
129 substantive amendments.

130 This bill coordinates with H.B. 430, Public Employees Union Financial Responsibility
131 Act, by providing changes in terminology.

132 This bill coordinates with H.B. 450, Law Enforcement Districts, by providing changes
133 in terminology and substantive amendments.

134 This bill coordinates with S.B. 22, Sales and Use Tax Exemptions For Certain
135 Governmental Entities, and Entities Within the State Systems of Public and Higher
136 Education by providing technical changes.

137 This bill coordinates with S.B. 95, Permanent Instream Flow to Preserve Water Quality,
138 by providing changes in terminology and technical changes.

139 This bill coordinates with S.B. 98, Governmental Immunity for Trails, by providing
140 changes in terminology and substantive amendments.

141 This bill coordinates with S.B. 111, Free Exercise of Religion Without Government

142 Interference, by providing changes in terminology.

143 This bill coordinates with S.B. 172, Municipal Land Use, Development, and
144 Management Changes, by providing changes in terminology.

145 This bill coordinates with S.B. 232, Military Installation Development Authority, by
146 providing changes in terminology.

147 This bill provides revisor instructions.

148 **Utah Code Sections Affected:**

149 **AMENDS:**

150 **8-5-5**, as last amended by Chapter 123, Laws of Utah 2002

151 **10-1-117**, as last amended by Chapter 233, Laws of Utah 2005

152 **10-2-101**, as last amended by Chapter 3, Laws of Utah 1997, Second Special Session

153 **10-2-106**, as last amended by Chapter 105, Laws of Utah 1999

154 **10-2-401**, as last amended by Chapter 206, Laws of Utah 2001

155 **10-2-403**, as last amended by Chapter 259, Laws of Utah 2004

156 **10-2-406**, as last amended by Chapters 211 and 257, Laws of Utah 2003

157 **10-2-412**, as last amended by Chapter 206, Laws of Utah 2001

158 **10-2-413**, as last amended by Chapter 206, Laws of Utah 2001

159 **10-2-414**, as last amended by Chapter 211, Laws of Utah 2003

160 **10-2-418**, as last amended by Chapter 227, Laws of Utah 2003

161 **10-2-419**, as last amended by Chapter 233, Laws of Utah 2005

162 **10-2-425**, as last amended by Chapter 233, Laws of Utah 2005

163 **10-2-428**, as enacted by Chapter 227, Laws of Utah 2003

164 **10-5-119**, as last amended by Chapter 30, Laws of Utah 1992

165 **10-6-131**, as enacted by Chapter 26, Laws of Utah 1979

166 **10-7-14.2**, as last amended by Chapter 30, Laws of Utah 1992

167 **10-9a-103**, as last amended by Chapters 14, 163, 240, 257 and 289, Laws of Utah 2006

168 **10-9a-305**, as last amended by Chapter 364, Laws of Utah 2006

169 **11-2-1**, as last amended by Chapter 9, Laws of Utah 1980

- 170 **11-13-103**, as last amended by Chapter 21, Laws of Utah 2003
- 171 **11-14-102**, as last amended by Chapter 83, Laws of Utah 2006
- 172 **11-14-301**, as last amended by Chapter 83, Laws of Utah 2006
- 173 **11-14a-1**, as enacted by Chapter 266, Laws of Utah 1995
- 174 **11-27-2**, as last amended by Chapter 359, Laws of Utah 2006
- 175 **11-30-2**, as enacted by Chapter 197, Laws of Utah 1987
- 176 **11-31-2**, as last amended by Chapter 12, Laws of Utah 2001
- 177 **11-34-1**, as enacted by Chapter 200, Laws of Utah 1987
- 178 **11-36-102**, as last amended by Chapter 257, Laws of Utah 2006
- 179 **11-36-201**, as last amended by Chapter 240, Laws of Utah 2006
- 180 **11-36-202**, as last amended by Chapters 240 and 257, Laws of Utah 2006
- 181 **11-36-501**, as last amended by Chapter 71, Laws of Utah 2005
- 182 **11-39-101**, as last amended by Chapter 94, Laws of Utah 2004
- 183 **11-39-103**, as last amended by Chapter 94, Laws of Utah 2004
- 184 **11-39-107**, as last amended by Chapter 25, Laws of Utah 2005
- 185 **11-40-101**, as last amended by Chapter 90, Laws of Utah 2004
- 186 **14-1-18**, as last amended by Chapter 25, Laws of Utah 2005
- 187 **15-7-2**, as enacted by Chapter 62, Laws of Utah 1983
- 188 **17-23-17**, as last amended by Chapter 155, Laws of Utah 2004
- 189 **17-27a-103**, as last amended by Chapters 14, 163, 240, 257 and 289, Laws of Utah
- 190 2006
- 191 **17-27a-305**, as last amended by Chapter 364, Laws of Utah 2006
- 192 **17-35b-302**, as last amended by Chapter 133, Laws of Utah 2000
- 193 **17-35b-303**, as enacted by Chapter 369, Laws of Utah 1998
- 194 **17-36-9**, as last amended by Chapter 300, Laws of Utah 1999
- 195 **17-36-29**, as last amended by Chapter 212, Laws of Utah 1996
- 196 **17-41-101**, as last amended by Chapter 194, Laws of Utah 2006
- 197 **17-43-201**, as last amended by Chapters 2 and 71, Laws of Utah 2005

198 **17-43-301**, as last amended by Chapter 71, Laws of Utah 2005
199 **17-50-103**, as enacted by Chapter 185, Laws of Utah 2000
200 **17-52-403**, as last amended by Chapter 241, Laws of Utah 2001
201 **17A-2-1314**, as last amended by Chapter 259, Laws of Utah 2003
202 **17A-2-1315**, as last amended by Chapter 105, Laws of Utah 2005
203 **17A-2-1326**, as last amended by Chapter 83, Laws of Utah 2006
204 **17A-2-1330**, as renumbered and amended by Chapter 186, Laws of Utah 1990
205 **17C-1-102**, as last amended by Chapter 254 and renumbered and amended by Chapter
206 359, Laws of Utah 2006
207 **19-3-301**, as last amended by Chapter 148, Laws of Utah 2005
208 **19-4-111**, as last amended by Chapter 185, Laws of Utah 2003
209 **19-6-502**, as renumbered and amended by Chapter 112, Laws of Utah 1991
210 **20A-1-102**, as last amended by Chapters 16, 264 and 326, Laws of Utah 2006
211 **20A-1-201.5**, as last amended by Chapter 355, Laws of Utah 2006
212 **20A-1-202**, as last amended by Chapter 241, Laws of Utah 2000
213 **20A-1-512**, as last amended by Chapter 108, Laws of Utah 1994
214 **20A-2-101**, as last amended by Chapter 266, Laws of Utah 1998
215 **20A-3-101**, as last amended by Chapter 177, Laws of Utah 2002
216 **20A-3-102**, as enacted by Chapter 1, Laws of Utah 1993
217 **20A-3-501**, as last amended by Chapter 127, Laws of Utah 2003
218 **20A-4-301**, as last amended by Chapter 355, Laws of Utah 2006
219 **20A-4-304**, as last amended by Chapters 326 and 355, Laws of Utah 2006
220 **20A-4-305**, as last amended by Chapter 24, Laws of Utah 1997
221 **20A-4-401**, as last amended by Chapter 105, Laws of Utah 2005
222 **20A-5-101**, as last amended by Chapter 249, Laws of Utah 2003
223 **20A-5-201**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session
224 **20A-5-302**, as last amended by Chapter 5, Laws of Utah 2005, First Special Session
225 **20A-5-400.5**, as last amended by Chapter 105, Laws of Utah 2005

- 226 **20A-5-401**, as last amended by Chapters 264 and 326, Laws of Utah 2006
- 227 **20A-5-403**, as last amended by Chapter 326, Laws of Utah 2006
- 228 **20A-5-407**, as last amended by Chapter 21, Laws of Utah 1994
- 229 **20A-5-602**, as last amended by Chapter 40, Laws of Utah 1998
- 230 **20A-9-101**, as last amended by Chapter 24, Laws of Utah 1997
- 231 **20A-9-503**, as last amended by Chapter 45, Laws of Utah 1999
- 232 **20A-11-1202**, as last amended by Chapter 142, Laws of Utah 2004
- 233 **26-8a-405.1**, as last amended by Chapter 60, Laws of Utah 2006
- 234 **32A-2-103**, as last amended by Chapter 152, Laws of Utah 2005
- 235 **32A-3-106**, as last amended by Chapter 152, Laws of Utah 2005
- 236 **32A-4-106**, as last amended by Chapter 268, Laws of Utah 2004
- 237 **32A-4-307**, as last amended by Chapter 268, Laws of Utah 2004
- 238 **32A-5-107**, as last amended by Chapter 268, Laws of Utah 2004
- 239 **34-30-14**, as enacted by Chapter 72, Laws of Utah 1995
- 240 **34-32-1.1**, as last amended by Chapter 220, Laws of Utah 2004
- 241 **34-41-101**, as enacted by Chapter 18, Laws of Utah 1994
- 242 **36-12-13**, as last amended by Chapter 55, Laws of Utah 1998
- 243 **49-11-102**, as last amended by Chapter 116, Laws of Utah 2005
- 244 **51-4-2**, as last amended by Chapters 10 and 215, Laws of Utah 1997
- 245 **52-4-203**, as renumbered and amended by Chapter 14 and last amended by Chapters
- 246 263 and 265, Laws of Utah 2006
- 247 **53-3-207**, as last amended by Chapter 20, Laws of Utah 2005
- 248 **53-7-104**, as last amended by Chapter 25, Laws of Utah 2001
- 249 **53-10-605**, as last amended by Chapter 169, Laws of Utah 2005
- 250 **53-13-103**, as last amended by Chapter 347, Laws of Utah 2006
- 251 **53A-2-123**, as last amended by Chapter 169, Laws of Utah 2005
- 252 **53B-16-104**, as enacted by Chapter 21, Laws of Utah 2000
- 253 **54-3-28**, as last amended by Chapter 169, Laws of Utah 2005

254 **54-8c-1**, as last amended by Chapter 30, Laws of Utah 1992
255 **54-14-103**, as enacted by Chapter 197, Laws of Utah 1997
256 **57-8-27**, as last amended by Chapter 265, Laws of Utah 2003
257 **59-2-102**, as last amended by Chapters 223 and 249, Laws of Utah 2006
258 **59-2-511**, as last amended by Chapter 254, Laws of Utah 2005
259 **59-2-912**, as last amended by Chapter 227, Laws of Utah 1993
260 **59-2-924**, as last amended by Chapters 26, 105 and 359, Laws of Utah 2006
261 **59-2-1101**, as last amended by Chapter 19, Laws of Utah 2005
262 **59-12-104**, as last amended by Chapters 181, 182, 217, 218, 219, 220, 246, 268 and
263 346, Laws of Utah 2006
264 **59-12-501**, as last amended by Chapter 253, Laws of Utah 2006
265 **59-12-502**, as last amended by Chapters 253 and 329, Laws of Utah 2006
266 **59-12-1001**, as last amended by Chapter 253, Laws of Utah 2006
267 **59-12-1502**, as enacted by Chapter 282, Laws of Utah 2003
268 **59-12-1503**, as last amended by Chapter 253, Laws of Utah 2006
269 **59-12-1703**, as enacted by Chapter 1, Laws of Utah 2006, Fourth Special Session
270 **63-2-103**, as last amended by Chapters 2, 261 and 300, Laws of Utah 2006
271 **63-6-1 (Effective 07/01/07)**, as last amended by Chapter 357, Laws of Utah 2006
272 **63-30d-102**, as enacted by Chapter 267, Laws of Utah 2004
273 **63-30d-401**, as enacted by Chapter 267, Laws of Utah 2004
274 **63-38-3.3**, as last amended by Chapter 66, Laws of Utah 2005
275 **63-38d-102**, as enacted by Chapter 16, Laws of Utah 2003
276 **63-38d-601**, as enacted by Chapter 298, Laws of Utah 2005
277 **63-38f-2002**, as enacted by Chapter 151, Laws of Utah 2005
278 **63-51-2**, as last amended by Chapter 12, Laws of Utah 1994
279 **63-56-102**, as renumbered and amended by Chapter 25, Laws of Utah 2005
280 **63-56-201**, as renumbered and amended by Chapter 25, Laws of Utah 2005
281 **63-90a-1**, as enacted by Chapter 91, Laws of Utah 1994

- 282 **63-90b-102**, as enacted by Chapter 99, Laws of Utah 2005
- 283 **63-91-102**, as last amended by Chapter 293, Laws of Utah 1996
- 284 **63-93-102**, as enacted by Chapter 256, Laws of Utah 1997
- 285 **63-96-102**, as enacted by Chapter 341, Laws of Utah 1998
- 286 **63A-9-401**, as last amended by Chapter 34, Laws of Utah 2004
- 287 **63C-7-103**, as enacted by Chapter 136, Laws of Utah 1997
- 288 **63D-2-102**, as enacted by Chapter 175, Laws of Utah 2004
- 289 **63E-1-102**, as last amended by Chapter 46, Laws of Utah 2006
- 290 **63F-1-507**, as last amended by Chapter 359, Laws of Utah 2006
- 291 **67-1a-6.5**, as last amended by Chapter 359, Laws of Utah 2006
- 292 **67-3-1**, as last amended by Chapter 71, Laws of Utah 2005
- 293 **67-11-2**, as last amended by Chapter 92, Laws of Utah 1987
- 294 **67-21-2**, as last amended by Chapter 189, Laws of Utah 1989
- 295 **71-8-1**, as last amended by Chapter 134, Laws of Utah 2000
- 296 **71-10-1**, as last amended by Chapter 134, Laws of Utah 2000
- 297 **72-1-208**, as renumbered and amended by Chapter 270, Laws of Utah 1998
- 298 **72-1-303**, as last amended by Chapter 336, Laws of Utah 2004
- 299 **72-2-201**, as renumbered and amended by Chapter 270, Laws of Utah 1998
- 300 **72-10-601**, as enacted by Chapter 137, Laws of Utah 2006
- 301 **73-1-4**, as last amended by Chapter 99, Laws of Utah 2003
- 302 **73-2-1**, as last amended by Chapter 165, Laws of Utah 2005
- 303 **73-5-15**, as enacted by Chapter 193, Laws of Utah 2006
- 304 **73-10-1**, as last amended by Chapter 10, Laws of Utah 1997
- 305 **73-10-21**, as last amended by Chapter 30, Laws of Utah 1992
- 306 **73-10-32**, as last amended by Chapter 43, Laws of Utah 2004
- 307 **76-10-1503**, as last amended by Chapter 151, Laws of Utah 1998
- 308 **78-27-63**, as last amended by Chapter 304, Laws of Utah 2006
- 309 ENACTS:

310 **11-42-101**, Utah Code Annotated 1953
311 **11-42-102**, Utah Code Annotated 1953
312 **11-42-103**, Utah Code Annotated 1953
313 **11-42-104**, Utah Code Annotated 1953
314 **11-42-105**, Utah Code Annotated 1953
315 **11-42-106**, Utah Code Annotated 1953
316 **11-42-107**, Utah Code Annotated 1953
317 **11-42-108**, Utah Code Annotated 1953
318 **11-42-109**, Utah Code Annotated 1953
319 **11-42-201**, Utah Code Annotated 1953
320 **11-42-202**, Utah Code Annotated 1953
321 **11-42-203**, Utah Code Annotated 1953
322 **11-42-204**, Utah Code Annotated 1953
323 **11-42-205**, Utah Code Annotated 1953
324 **11-42-206**, Utah Code Annotated 1953
325 **11-42-207**, Utah Code Annotated 1953
326 **11-42-208**, Utah Code Annotated 1953
327 **11-42-301**, Utah Code Annotated 1953
328 **11-42-302**, Utah Code Annotated 1953
329 **11-42-401**, Utah Code Annotated 1953
330 **11-42-402**, Utah Code Annotated 1953
331 **11-42-403**, Utah Code Annotated 1953
332 **11-42-404**, Utah Code Annotated 1953
333 **11-42-405**, Utah Code Annotated 1953
334 **11-42-406**, Utah Code Annotated 1953
335 **11-42-407**, Utah Code Annotated 1953
336 **11-42-408**, Utah Code Annotated 1953
337 **11-42-409**, Utah Code Annotated 1953

338 **11-42-410**, Utah Code Annotated 1953
339 **11-42-411**, Utah Code Annotated 1953
340 **11-42-412**, Utah Code Annotated 1953
341 **11-42-413**, Utah Code Annotated 1953
342 **11-42-414**, Utah Code Annotated 1953
343 **11-42-415**, Utah Code Annotated 1953
344 **11-42-416**, Utah Code Annotated 1953
345 **11-42-501**, Utah Code Annotated 1953
346 **11-42-502**, Utah Code Annotated 1953
347 **11-42-503**, Utah Code Annotated 1953
348 **11-42-504**, Utah Code Annotated 1953
349 **11-42-505**, Utah Code Annotated 1953
350 **11-42-506**, Utah Code Annotated 1953
351 **11-42-601**, Utah Code Annotated 1953
352 **11-42-602**, Utah Code Annotated 1953
353 **11-42-603**, Utah Code Annotated 1953
354 **11-42-604**, Utah Code Annotated 1953
355 **11-42-605**, Utah Code Annotated 1953
356 **11-42-606**, Utah Code Annotated 1953
357 **11-42-607**, Utah Code Annotated 1953
358 **11-42-608**, Utah Code Annotated 1953
359 **11-42-609**, Utah Code Annotated 1953
360 **11-42-701**, Utah Code Annotated 1953
361 **11-42-702**, Utah Code Annotated 1953
362 **11-42-703**, Utah Code Annotated 1953
363 **11-42-704**, Utah Code Annotated 1953
364 **11-42-705**, Utah Code Annotated 1953
365 **11-42-706**, Utah Code Annotated 1953

366 **17B-1-101**, Utah Code Annotated 1953
367 **17B-1-103**, Utah Code Annotated 1953
368 **17B-1-112**, Utah Code Annotated 1953
369 **17B-1-114**, Utah Code Annotated 1953
370 **17B-1-115**, Utah Code Annotated 1953
371 **17B-1-116**, Utah Code Annotated 1953
372 **17B-1-117**, Utah Code Annotated 1953
373 **17B-1-308**, Utah Code Annotated 1953
374 **17B-1-313**, Utah Code Annotated 1953
375 **17B-1-501**, Utah Code Annotated 1953
376 **17B-1-623**, Utah Code Annotated 1953
377 **17B-1-901**, Utah Code Annotated 1953
378 **17B-1-1001**, Utah Code Annotated 1953
379 **17B-1-1002**, Utah Code Annotated 1953
380 **17B-1-1101**, Utah Code Annotated 1953
381 **17B-1-1102**, Utah Code Annotated 1953
382 **17B-1-1103**, Utah Code Annotated 1953
383 **17B-1-1104**, Utah Code Annotated 1953
384 **17B-1-1105**, Utah Code Annotated 1953
385 **17B-1-1106**, Utah Code Annotated 1953
386 **17B-1-1107**, Utah Code Annotated 1953
387 **17B-1-1201**, Utah Code Annotated 1953
388 **17B-1-1202**, Utah Code Annotated 1953
389 **17B-1-1203**, Utah Code Annotated 1953
390 **17B-1-1204**, Utah Code Annotated 1953
391 **17B-1-1205**, Utah Code Annotated 1953
392 **17B-1-1206**, Utah Code Annotated 1953
393 **17B-1-1207**, Utah Code Annotated 1953

- 394 **17B-1-1401**, Utah Code Annotated 1953
- 395 **17B-1-1402**, Utah Code Annotated 1953
- 396 **17B-2a-101**, Utah Code Annotated 1953
- 397 **17B-2a-102**, Utah Code Annotated 1953
- 398 **17B-2a-103**, Utah Code Annotated 1953
- 399 **17B-2a-104**, Utah Code Annotated 1953
- 400 **17B-2a-105**, Utah Code Annotated 1953
- 401 **17B-2a-106**, Utah Code Annotated 1953
- 402 **17B-2a-107**, Utah Code Annotated 1953
- 403 **17B-2a-201**, Utah Code Annotated 1953
- 404 **17B-2a-202**, Utah Code Annotated 1953
- 405 **17B-2a-203**, Utah Code Annotated 1953
- 406 **17B-2a-204**, Utah Code Annotated 1953
- 407 **17B-2a-205**, Utah Code Annotated 1953
- 408 **17B-2a-206**, Utah Code Annotated 1953
- 409 **17B-2a-207**, Utah Code Annotated 1953
- 410 **17B-2a-208**, Utah Code Annotated 1953
- 411 **17B-2a-209**, Utah Code Annotated 1953
- 412 **17B-2a-210**, Utah Code Annotated 1953
- 413 **17B-2a-211**, Utah Code Annotated 1953
- 414 **17B-2a-301**, Utah Code Annotated 1953
- 415 **17B-2a-302**, Utah Code Annotated 1953
- 416 **17B-2a-303**, Utah Code Annotated 1953
- 417 **17B-2a-304**, Utah Code Annotated 1953
- 418 **17B-2a-305**, Utah Code Annotated 1953
- 419 **17B-2a-306**, Utah Code Annotated 1953
- 420 **17B-2a-401**, Utah Code Annotated 1953
- 421 **17B-2a-402**, Utah Code Annotated 1953

422 **17B-2a-404**, Utah Code Annotated 1953
423 **17B-2a-405**, Utah Code Annotated 1953
424 **17B-2a-501**, Utah Code Annotated 1953
425 **17B-2a-502**, Utah Code Annotated 1953
426 **17B-2a-503**, Utah Code Annotated 1953
427 **17B-2a-504**, Utah Code Annotated 1953
428 **17B-2a-505**, Utah Code Annotated 1953
429 **17B-2a-506**, Utah Code Annotated 1953
430 **17B-2a-507**, Utah Code Annotated 1953
431 **17B-2a-508**, Utah Code Annotated 1953
432 **17B-2a-509**, Utah Code Annotated 1953
433 **17B-2a-510**, Utah Code Annotated 1953
434 **17B-2a-511**, Utah Code Annotated 1953
435 **17B-2a-512**, Utah Code Annotated 1953
436 **17B-2a-513**, Utah Code Annotated 1953
437 **17B-2a-514**, Utah Code Annotated 1953
438 **17B-2a-515**, Utah Code Annotated 1953
439 **17B-2a-516**, Utah Code Annotated 1953
440 **17B-2a-601**, Utah Code Annotated 1953
441 **17B-2a-602**, Utah Code Annotated 1953
442 **17B-2a-603**, Utah Code Annotated 1953
443 **17B-2a-604**, Utah Code Annotated 1953
444 **17B-2a-605**, Utah Code Annotated 1953
445 **17B-2a-606**, Utah Code Annotated 1953
446 **17B-2a-607**, Utah Code Annotated 1953
447 **17B-2a-701**, Utah Code Annotated 1953
448 **17B-2a-702**, Utah Code Annotated 1953
449 **17B-2a-703**, Utah Code Annotated 1953

450 **17B-2a-704**, Utah Code Annotated 1953
451 **17B-2a-801**, Utah Code Annotated 1953
452 **17B-2a-802**, Utah Code Annotated 1953
453 **17B-2a-803**, Utah Code Annotated 1953
454 **17B-2a-804**, Utah Code Annotated 1953
455 **17B-2a-805**, Utah Code Annotated 1953
456 **17B-2a-806**, Utah Code Annotated 1953
457 **17B-2a-808**, Utah Code Annotated 1953
458 **17B-2a-810**, Utah Code Annotated 1953
459 **17B-2a-811**, Utah Code Annotated 1953
460 **17B-2a-812**, Utah Code Annotated 1953
461 **17B-2a-813**, Utah Code Annotated 1953
462 **17B-2a-815**, Utah Code Annotated 1953
463 **17B-2a-816**, Utah Code Annotated 1953
464 **17B-2a-817**, Utah Code Annotated 1953
465 **17B-2a-818**, Utah Code Annotated 1953
466 **17B-2a-819**, Utah Code Annotated 1953
467 **17B-2a-820**, Utah Code Annotated 1953
468 **17B-2a-824**, Utah Code Annotated 1953
469 **17B-2a-901**, Utah Code Annotated 1953
470 **17B-2a-902**, Utah Code Annotated 1953
471 **17B-2a-903**, Utah Code Annotated 1953
472 **17B-2a-904**, Utah Code Annotated 1953
473 **17B-2a-905**, Utah Code Annotated 1953
474 **17B-2a-906**, Utah Code Annotated 1953
475 **17B-2a-1001**, Utah Code Annotated 1953
476 **17B-2a-1002**, Utah Code Annotated 1953
477 **17B-2a-1003**, Utah Code Annotated 1953

478 **17B-2a-1004**, Utah Code Annotated 1953

479 **17B-2a-1006**, Utah Code Annotated 1953

480 **17B-2a-1007**, Utah Code Annotated 1953

481 **17B-2a-1008**, Utah Code Annotated 1953

482 RENUMBERS AND AMENDS:

483 **17B-1-102**, (Renumbered from 17B-2-101, as last amended by Chapter 90, Laws of
484 Utah 2001)

485 **17B-1-104**, (Renumbered from 17B-2-102, as enacted by Chapter 90, Laws of Utah
486 2001)

487 **17B-1-105**, (Renumbered from 17A-1-204, as last amended by Chapter 183, Laws of
488 Utah 2001)

489 **17B-1-106**, (Renumbered from 17B-2-104, as last amended by Chapter 169, Laws of
490 Utah 2005)

491 **17B-1-107**, (Renumbered from 17A-1-701, as enacted by Chapter 44, Laws of Utah
492 1994)

493 **17B-1-108**, (Renumbered from 17A-1-802, as enacted by Chapter 21, Laws of Utah
494 2000)

495 **17B-1-109**, (Renumbered from 17A-1-202, as last amended by Chapter 200, Laws of
496 Utah 1995)

497 **17B-1-110**, (Renumbered from 17A-1-201, as enacted by Chapter 273, Laws of Utah
498 1991)

499 **17B-1-111**, (Renumbered from 17A-1-203, as enacted by Chapter 11, Laws of Utah
500 1995, First Special Session)

501 **17B-1-113**, (Renumbered from 17A-1-504, as enacted by Chapter 221, Laws of Utah
502 1998)

503 **17B-1-201**, (Renumbered from 17B-2-201, as last amended by Chapter 90, Laws of
504 Utah 2001)

505 **17B-1-202**, (Renumbered from 17B-2-202, as last amended by Chapter 257, Laws of

506 Utah 2003)
507 **17B-1-203**, (Renumbered from 17B-2-203, as last amended by Chapter 254, Laws of
508 Utah 2000)
509 **17B-1-204**, (Renumbered from 17B-2-204, as enacted by Chapter 368, Laws of Utah
510 1998)
511 **17B-1-205**, (Renumbered from 17B-2-205, as enacted by Chapter 368, Laws of Utah
512 1998)
513 **17B-1-206**, (Renumbered from 17B-2-206, as enacted by Chapter 368, Laws of Utah
514 1998)
515 **17B-1-207**, (Renumbered from 17B-2-207, as enacted by Chapter 368, Laws of Utah
516 1998)
517 **17B-1-208**, (Renumbered from 17B-2-208, as last amended by Chapter 254, Laws of
518 Utah 2000)
519 **17B-1-209**, (Renumbered from 17B-2-209, as enacted by Chapter 368, Laws of Utah
520 1998)
521 **17B-1-210**, (Renumbered from 17B-2-210, as enacted by Chapter 368, Laws of Utah
522 1998)
523 **17B-1-211**, (Renumbered from 17B-2-211, as enacted by Chapter 368, Laws of Utah
524 1998)
525 **17B-1-212**, (Renumbered from 17B-2-212, as enacted by Chapter 368, Laws of Utah
526 1998)
527 **17B-1-213**, (Renumbered from 17B-2-213, as last amended by Chapter 257, Laws of
528 Utah 2003)
529 **17B-1-214**, (Renumbered from 17B-2-214, as last amended by Chapter 6, Laws of Utah
530 2003, Second Special Session)
531 **17B-1-215**, (Renumbered from 17B-2-215, as last amended by Chapter 233, Laws of
532 Utah 2005)
533 **17B-1-216**, (Renumbered from 17B-2-216, as last amended by Chapter 233, Laws of

534 Utah 2005)
535 **17B-1-217**, (Renumbered from 17A-2-103, as last amended by Chapter 83, Laws of
536 Utah 2006)
537 **17B-1-301**, (Renumbered from 17B-2-401, as enacted by Chapter 254, Laws of Utah
538 2000)
539 **17B-1-302**, (Renumbered from 17B-2-402, as enacted by Chapter 254, Laws of Utah
540 2000)
541 **17B-1-303**, (Renumbered from 17B-2-403, as enacted by Chapter 254, Laws of Utah
542 2000)
543 **17B-1-304**, (Renumbered from 17A-1-303, as last amended by Chapter 14, Laws of
544 Utah 2006)
545 **17B-1-305**, (Renumbered from 17A-1-304, as last amended by Chapter 241, Laws of
546 Utah 2000)
547 **17B-1-306**, (Renumbered from 17A-1-305, as last amended by Chapters 81 and 241,
548 Laws of Utah 2000)
549 **17B-1-307**, (Renumbered from 17B-2-404, as enacted by Chapter 254, Laws of Utah
550 2000)
551 **17B-1-309**, (Renumbered from 17B-2-405, as enacted by Chapter 254, Laws of Utah
552 2000)
553 **17B-1-310**, (Renumbered from 17B-2-406, as last amended by Chapter 14, Laws of
554 Utah 2006)
555 **17B-1-311**, (Renumbered from 17A-1-306, as enacted by Chapter 273, Laws of Utah
556 1991)
557 **17B-1-312**, (Renumbered from 17A-2-102, as enacted by Chapter 154, Laws of Utah
558 1999)
559 **17B-1-401**, (Renumbered from 17B-2-501, as enacted by Chapter 90, Laws of Utah
560 2001)
561 **17B-1-402**, (Renumbered from 17B-2-502, as last amended by Chapter 257, Laws of

562 Utah 2003)
563 **17B-1-403**, (Renumbered from 17B-2-503, as last amended by Chapter 158, Laws of
564 Utah 2004)
565 **17B-1-404**, (Renumbered from 17B-2-504, as enacted by Chapter 90, Laws of Utah
566 2001)
567 **17B-1-405**, (Renumbered from 17B-2-505, as enacted by Chapter 90, Laws of Utah
568 2001)
569 **17B-1-406**, (Renumbered from 17B-2-506, as enacted by Chapter 90, Laws of Utah
570 2001)
571 **17B-1-407**, (Renumbered from 17B-2-507, as enacted by Chapter 90, Laws of Utah
572 2001)
573 **17B-1-408**, (Renumbered from 17B-2-508, as enacted by Chapter 90, Laws of Utah
574 2001)
575 **17B-1-409**, (Renumbered from 17B-2-509, as enacted by Chapter 90, Laws of Utah
576 2001)
577 **17B-1-410**, (Renumbered from 17B-2-510, as last amended by Chapter 89, Laws of
578 Utah 2003)
579 **17B-1-411**, (Renumbered from 17B-2-511, as enacted by Chapter 90, Laws of Utah
580 2001)
581 **17B-1-412**, (Renumbered from 17B-2-512, as last amended by Chapters 89 and 170,
582 Laws of Utah 2003)
583 **17B-1-413**, (Renumbered from 17B-2-513, as enacted by Chapter 90, Laws of Utah
584 2001)
585 **17B-1-414**, (Renumbered from 17B-2-514, as last amended by Chapter 233, Laws of
586 Utah 2005)
587 **17B-1-415**, (Renumbered from 17B-2-515, as last amended by Chapter 170, Laws of
588 Utah 2003)
589 **17B-1-416**, (Renumbered from 17B-2-515.5, as last amended by Chapters 71 and 233,

590 Laws of Utah 2005)
591 **17B-1-417**, (Renumbered from 17B-2-516, as last amended by Chapter 233, Laws of
592 Utah 2005)
593 **17B-1-418**, (Renumbered from 17B-2-517, as enacted by Chapter 90, Laws of Utah
594 2001)
595 **17B-1-502**, (Renumbered from 17B-2-601, as last amended by Chapters 36 and 233,
596 Laws of Utah 2005)
597 **17B-1-503**, (Renumbered from 17B-2-602, as enacted by Chapter 284, Laws of Utah
598 2002)
599 **17B-1-504**, (Renumbered from 17B-2-603, as last amended by Chapter 257, Laws of
600 Utah 2003)
601 **17B-1-505**, (Renumbered from 17B-2-603.5, as last amended by Chapter 233, Laws of
602 Utah 2005)
603 **17B-1-506**, (Renumbered from 17B-2-604, as last amended by Chapter 90, Laws of
604 Utah 2004)
605 **17B-1-507**, (Renumbered from 17B-2-605, as enacted by Chapter 284, Laws of Utah
606 2002)
607 **17B-1-508**, (Renumbered from 17B-2-606, as enacted by Chapter 284, Laws of Utah
608 2002)
609 **17B-1-509**, (Renumbered from 17B-2-607, as enacted by Chapter 284, Laws of Utah
610 2002)
611 **17B-1-510**, (Renumbered from 17B-2-608, as last amended by Chapter 105, Laws of
612 Utah 2005)
613 **17B-1-511**, (Renumbered from 17B-2-609, as enacted by Chapter 284, Laws of Utah
614 2002)
615 **17B-1-512**, (Renumbered from 17B-2-610, as last amended by Chapters 36 and 233,
616 Laws of Utah 2005)
617 **17B-1-513**, (Renumbered from 17B-2-611, as enacted by Chapter 284, Laws of Utah

618 2002)

619 **17B-1-601**, (Renumbered from 17A-1-404, as renumbered and amended by Chapter
620 186, Laws of Utah 1990)

621 **17B-1-602**, (Renumbered from 17A-1-405, as renumbered and amended by Chapter
622 186, Laws of Utah 1990)

623 **17B-1-603**, (Renumbered from 17A-1-406, as renumbered and amended by Chapter
624 186, Laws of Utah 1990)

625 **17B-1-604**, (Renumbered from 17A-1-407, as renumbered and amended by Chapter
626 186, Laws of Utah 1990)

627 **17B-1-605**, (Renumbered from 17A-1-408, as renumbered and amended by Chapter
628 186, Laws of Utah 1990)

629 **17B-1-606**, (Renumbered from 17A-1-409, as renumbered and amended by Chapter
630 186, Laws of Utah 1990)

631 **17B-1-607**, (Renumbered from 17A-1-410, as renumbered and amended by Chapter
632 186, Laws of Utah 1990)

633 **17B-1-608**, (Renumbered from 17A-1-411, as last amended by Chapter 30, Laws of
634 Utah 1992)

635 **17B-1-609**, (Renumbered from 17A-1-412, as last amended by Chapter 145, Laws of
636 Utah 1997)

637 **17B-1-610**, (Renumbered from 17A-1-413, as renumbered and amended by Chapter
638 186, Laws of Utah 1990)

639 **17B-1-611**, (Renumbered from 17A-1-414, as renumbered and amended by Chapter
640 186, Laws of Utah 1990)

641 **17B-1-612**, (Renumbered from 17A-1-415, as last amended by Chapter 216, Laws of
642 Utah 1995)

643 **17B-1-613**, (Renumbered from 17A-1-416, as renumbered and amended by Chapter
644 186, Laws of Utah 1990)

645 **17B-1-614**, (Renumbered from 17A-1-417, as renumbered and amended by Chapter

646 186, Laws of Utah 1990)
647 **17B-1-615**, (Renumbered from 17A-1-418, as renumbered and amended by Chapter
648 186, Laws of Utah 1990)
649 **17B-1-616**, (Renumbered from 17A-1-419, as renumbered and amended by Chapter
650 186, Laws of Utah 1990)
651 **17B-1-617**, (Renumbered from 17A-1-420, as renumbered and amended by Chapter
652 186, Laws of Utah 1990)
653 **17B-1-618**, (Renumbered from 17A-1-421, as renumbered and amended by Chapter
654 186, Laws of Utah 1990)
655 **17B-1-619**, (Renumbered from 17A-1-422, as renumbered and amended by Chapter
656 186, Laws of Utah 1990)
657 **17B-1-620**, (Renumbered from 17A-1-423, as renumbered and amended by Chapter
658 186, Laws of Utah 1990)
659 **17B-1-621**, (Renumbered from 17A-1-424, as renumbered and amended by Chapter
660 186, Laws of Utah 1990)
661 **17B-1-622**, (Renumbered from 17A-1-425, as renumbered and amended by Chapter
662 186, Laws of Utah 1990)
663 **17B-1-624**, (Renumbered from 17A-1-427, as renumbered and amended by Chapter
664 186, Laws of Utah 1990)
665 **17B-1-625**, (Renumbered from 17A-1-428, as last amended by Chapter 30, Laws of
666 Utah 1992)
667 **17B-1-626**, (Renumbered from 17A-1-429, as renumbered and amended by Chapter
668 186, Laws of Utah 1990)
669 **17B-1-627**, (Renumbered from 17A-1-430, as renumbered and amended by Chapter
670 186, Laws of Utah 1990)
671 **17B-1-628**, (Renumbered from 17A-1-431, as renumbered and amended by Chapter
672 186, Laws of Utah 1990)
673 **17B-1-629**, (Renumbered from 17A-1-432, as last amended by Chapter 178, Laws of

674 Utah 2006)
675 **17B-1-630**, (Renumbered from 17A-1-433, as renumbered and amended by Chapter
676 186, Laws of Utah 1990)
677 **17B-1-631**, (Renumbered from 17A-1-434, as renumbered and amended by Chapter
678 186, Laws of Utah 1990)
679 **17B-1-632**, (Renumbered from 17A-1-436, as last amended by Chapter 200, Laws of
680 Utah 1995)
681 **17B-1-633**, (Renumbered from 17A-1-437, as last amended by Chapter 1, Laws of Utah
682 2000)
683 **17B-1-634**, (Renumbered from 17A-1-438, as renumbered and amended by Chapter
684 186, Laws of Utah 1990)
685 **17B-1-635**, (Renumbered from 17A-1-439, as last amended by Chapter 145, Laws of
686 Utah 1997)
687 **17B-1-636**, (Renumbered from 17A-1-440, as renumbered and amended by Chapter
688 186, Laws of Utah 1990)
689 **17B-1-637**, (Renumbered from 17A-1-441, as renumbered and amended by Chapter
690 186, Laws of Utah 1990)
691 **17B-1-638**, (Renumbered from 17A-1-442, as renumbered and amended by Chapter
692 186, Laws of Utah 1990)
693 **17B-1-639**, (Renumbered from 17A-1-443, as last amended by Chapter 257, Laws of
694 Utah 2006)
695 **17B-1-640**, (Renumbered from 17A-1-444, as last amended by Chapter 71, Laws of
696 Utah 2005)
697 **17B-1-641**, (Renumbered from 17A-1-445, as renumbered and amended by Chapter
698 186, Laws of Utah 1990)
699 **17B-1-642**, (Renumbered from 17A-1-447, as last amended by Chapter 145, Laws of
700 Utah 1997)
701 **17B-1-643**, (Renumbered from 17A-1-448, as last amended by Chapter 14, Laws of

702 Utah 2006)

703 **17B-1-644**, (Renumbered from 17A-2-105, as enacted by Chapter 29, Laws of Utah
704 2005)

705 **17B-1-701**, (Renumbered from 17A-1-501, as last amended by Chapter 71, Laws of
706 Utah 2005)

707 **17B-1-702**, (Renumbered from 17A-1-502, as last amended by Chapter 295, Laws of
708 Utah 2004)

709 **17B-1-703**, (Renumbered from 17A-1-503, as last amended by Chapter 295, Laws of
710 Utah 2004)

711 **17B-1-801**, (Renumbered from 17A-1-601, as last amended by Chapter 4, Laws of Utah
712 1993)

713 **17B-1-802**, (Renumbered from 17A-1-602, as enacted by Chapter 22, Laws of Utah
714 1992)

715 **17B-1-803**, (Renumbered from 17A-1-603, as enacted by Chapter 22, Laws of Utah
716 1992)

717 **17B-1-804**, (Renumbered from 17A-1-604, as enacted by Chapter 284, Laws of Utah
718 2003)

719 **17B-1-902**, (Renumbered from 17B-2-803, as enacted by Chapter 316, Laws of Utah
720 2004)

721 **17B-1-903**, (Renumbered from 17B-2-802, as enacted by Chapter 316, Laws of Utah
722 2004)

723 **17B-1-904**, (Renumbered from 17B-2-801, as enacted by Chapter 316, Laws of Utah
724 2004)

725 **17B-1-1301**, (Renumbered from 17B-2-701, as enacted by Chapter 90, Laws of Utah
726 2001)

727 **17B-1-1302**, (Renumbered from 17B-2-702, as enacted by Chapter 90, Laws of Utah
728 2001)

729 **17B-1-1303**, (Renumbered from 17B-2-703, as enacted by Chapter 90, Laws of Utah

730 2001)
731 **17B-1-1304**, (Renumbered from 17B-2-704, as enacted by Chapter 90, Laws of Utah
732 2001)
733 **17B-1-1305**, (Renumbered from 17B-2-705, as enacted by Chapter 90, Laws of Utah
734 2001)
735 **17B-1-1306**, (Renumbered from 17B-2-706, as enacted by Chapter 90, Laws of Utah
736 2001)
737 **17B-1-1307**, (Renumbered from 17B-2-707, as enacted by Chapter 90, Laws of Utah
738 2001)
739 **17B-1-1308**, (Renumbered from 17B-2-708, as last amended by Chapter 233, Laws of
740 Utah 2005)
741 **17B-2a-403**, (Renumbered from 17A-2-301, as last amended by Chapter 284, Laws of
742 Utah 2002)
743 **17B-2a-406**, (Renumbered from 17A-2-302, as renumbered and amended by Chapter
744 186, Laws of Utah 1990)
745 **17B-2a-705**, (Renumbered from 17A-2-910, as last amended by Chapter 227, Laws of
746 Utah 1993)
747 **17B-2a-807**, (Renumbered from 17A-2-1038, as last amended by Chapters 295 and
748 336, Laws of Utah 2004)
749 **17B-2a-809**, (Renumbered from 17A-2-1060.1, as enacted by Chapter 295, Laws of
750 Utah 2004)
751 **17B-2a-814**, (Renumbered from 17A-2-1050, as last amended by Chapter 254, Laws of
752 Utah 2000)
753 **17B-2a-821**, (Renumbered from 17A-2-1061, as enacted by Chapter 151, Laws of Utah
754 1998)
755 **17B-2a-822**, (Renumbered from 17A-2-1062, as last amended by Chapter 347, Laws of
756 Utah 2006)
757 **17B-2a-823**, (Renumbered from 17A-2-1063, as last amended by Chapter 295, Laws of

- 758 Utah 2004)
- 759 **17B-2a-907**, (Renumbered from 17A-2-413, as last amended by Chapter 90, Laws of
- 760 Utah 2001)
- 761 **17B-2a-1005**, (Renumbered from 17A-2-1409, as last amended by Chapter 71, Laws of
- 762 Utah 2005)
- 763 **REPEALS:**
- 764 **17A-1-101**, as enacted by Chapter 273, Laws of Utah 1991
- 765 **17A-1-102**, as last amended by Chapter 170, Laws of Utah 2003
- 766 **17A-1-205**, as enacted by Chapter 316, Laws of Utah 2004
- 767 **17A-1-301**, as last amended by Chapters 131 and 184, Laws of Utah 2003
- 768 **17A-1-302**, as repealed and reenacted by Chapter 1, Laws of Utah 1993
- 769 **17A-1-401**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 770 **17A-1-402**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 771 **17A-1-403**, as last amended by Chapter 359, Laws of Utah 2006
- 772 **17A-1-426**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 773 **17A-1-446**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 774 **17A-1-801**, as last amended by Chapter 25, Laws of Utah 2005
- 775 **17A-2-101**, as last amended by Chapter 90, Laws of Utah 2001
- 776 **17A-2-101.3**, as last amended by Chapter 284, Laws of Utah 2002
- 777 **17A-2-104**, as last amended by Chapter 169, Laws of Utah 2005
- 778 **17A-2-201**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 779 **17A-2-208**, as last amended by Chapter 254, Laws of Utah 2000
- 780 **17A-2-210**, as last amended by Chapter 254, Laws of Utah 2000
- 781 **17A-2-216**, as last amended by Chapter 227, Laws of Utah 1993
- 782 **17A-2-217**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 783 **17A-2-219**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 784 **17A-2-221**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 785 **17A-2-222**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 786 **17A-2-223**, as last amended by Chapter 83, Laws of Utah 2006
- 787 **17A-2-226**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 788 **17A-2-305**, as last amended by Chapter 254, Laws of Utah 2000
- 789 **17A-2-306**, as last amended by Chapter 105, Laws of Utah 2005
- 790 **17A-2-307**, as last amended by Chapter 105, Laws of Utah 2005
- 791 **17A-2-308**, as last amended by Chapter 254, Laws of Utah 2000
- 792 **17A-2-309**, as last amended by Chapter 105, Laws of Utah 2005
- 793 **17A-2-310**, as last amended by Chapter 316, Laws of Utah 2004
- 794 **17A-2-312**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 795 **17A-2-313**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 796 **17A-2-315**, as last amended by Chapter 83, Laws of Utah 2006
- 797 **17A-2-317**, as last amended by Chapter 83, Laws of Utah 2006
- 798 **17A-2-318**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 799 **17A-2-319**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 800 **17A-2-320**, as last amended by Chapter 273, Laws of Utah 1991
- 801 **17A-2-322**, as last amended by Chapter 227, Laws of Utah 1993
- 802 **17A-2-323**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 803 **17A-2-325**, as last amended by Chapter 71, Laws of Utah 2005
- 804 **17A-2-327**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 805 **17A-2-328**, as last amended by Chapter 25, Laws of Utah 2005
- 806 **17A-2-329**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 807 **17A-2-401**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 808 **17A-2-402**, as last amended by Chapter 368, Laws of Utah 1998
- 809 **17A-2-403**, as last amended by Chapter 257, Laws of Utah 2003
- 810 **17A-2-405**, as last amended by Chapter 131, Laws of Utah 2003
- 811 **17A-2-411**, as last amended by Chapter 257, Laws of Utah 2003
- 812 **17A-2-412**, as last amended by Chapter 368, Laws of Utah 1998
- 813 **17A-2-414**, as last amended by Chapter 13, Laws of Utah 2005, First Special Session

- 814 **17A-2-415**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 815 **17A-2-416**, as last amended by Chapter 316, Laws of Utah 2004
- 816 **17A-2-418**, as last amended by Chapter 284, Laws of Utah 2002
- 817 **17A-2-419**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 818 **17A-2-423**, as last amended by Chapter 83, Laws of Utah 2006
- 819 **17A-2-424**, as last amended by Chapter 83, Laws of Utah 2006
- 820 **17A-2-425**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 821 **17A-2-426**, as last amended by Chapter 83, Laws of Utah 2006
- 822 **17A-2-428**, as last amended by Chapter 83, Laws of Utah 2006
- 823 **17A-2-429**, as repealed and reenacted by Chapter 83, Laws of Utah 2006
- 824 **17A-2-431**, as last amended by Chapter 83, Laws of Utah 2006
- 825 **17A-2-502**, as last amended by Chapter 368, Laws of Utah 1998
- 826 **17A-2-506**, as last amended by Chapter 254, Laws of Utah 2000
- 827 **17A-2-509**, as last amended by Chapter 254, Laws of Utah 2000
- 828 **17A-2-511**, as last amended by Chapter 254, Laws of Utah 2000
- 829 **17A-2-512**, as last amended by Chapter 254, Laws of Utah 2000
- 830 **17A-2-514**, as last amended by Chapter 254, Laws of Utah 2000
- 831 **17A-2-522**, as last amended by Chapter 39, Laws of Utah 2005
- 832 **17A-2-523**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 833 **17A-2-524**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 834 **17A-2-525**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 835 **17A-2-526**, as last amended by Chapter 10, Laws of Utah 1997
- 836 **17A-2-527**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 837 **17A-2-528**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 838 **17A-2-530**, as last amended by Chapter 90, Laws of Utah 2001
- 839 **17A-2-532**, as last amended by Chapter 254, Laws of Utah 2000
- 840 **17A-2-533**, as last amended by Chapter 254, Laws of Utah 2000
- 841 **17A-2-534**, as last amended by Chapters 1 and 254, Laws of Utah 2000

- 842 **17A-2-535**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 843 **17A-2-536**, as last amended by Chapter 254, Laws of Utah 2000
- 844 **17A-2-537**, as last amended by Chapter 254, Laws of Utah 2000
- 845 **17A-2-538**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 846 **17A-2-539**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 847 **17A-2-540**, as last amended by Chapter 254, Laws of Utah 2000
- 848 **17A-2-541**, as last amended by Chapter 254, Laws of Utah 2000
- 849 **17A-2-542**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 850 **17A-2-543**, as last amended by Chapter 83, Laws of Utah 2006
- 851 **17A-2-544**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 852 **17A-2-545**, as last amended by Chapter 254, Laws of Utah 2000
- 853 **17A-2-548**, as last amended by Chapter 254, Laws of Utah 2000
- 854 **17A-2-549**, as last amended by Chapter 254, Laws of Utah 2000
- 855 **17A-2-550**, as last amended by Chapter 254, Laws of Utah 2000
- 856 **17A-2-551**, as last amended by Chapter 254, Laws of Utah 2000
- 857 **17A-2-552**, as last amended by Chapter 254, Laws of Utah 2000
- 858 **17A-2-553**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 859 **17A-2-554**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 860 **17A-2-555**, as last amended by Chapter 254, Laws of Utah 2000
- 861 **17A-2-556**, as last amended by Chapter 9, Laws of Utah 2001
- 862 **17A-2-557**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 863 **17A-2-559**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 864 **17A-2-560**, as last amended by Chapter 254, Laws of Utah 2000
- 865 **17A-2-601**, as last amended by Chapter 368, Laws of Utah 1998
- 866 **17A-2-607**, as last amended by Chapter 368, Laws of Utah 1998
- 867 **17A-2-609**, as last amended by Chapter 254, Laws of Utah 2000
- 868 **17A-2-610**, as last amended by Chapter 254, Laws of Utah 2000
- 869 **17A-2-611**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 870 **17A-2-612**, as repealed and reenacted by Chapter 273, Laws of Utah 1991
- 871 **17A-2-613**, as last amended by Chapter 254, Laws of Utah 2000
- 872 **17A-2-615**, as last amended by Chapter 254, Laws of Utah 2000
- 873 **17A-2-616**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 874 **17A-2-617**, as last amended by Chapter 254, Laws of Utah 2000
- 875 **17A-2-618**, as last amended by Chapter 254, Laws of Utah 2000
- 876 **17A-2-619**, as last amended by Chapter 254, Laws of Utah 2000
- 877 **17A-2-620**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 878 **17A-2-621**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 879 **17A-2-622**, as last amended by Chapter 105, Laws of Utah 2005
- 880 **17A-2-623**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 881 **17A-2-701.1**, as enacted by Chapter 285, Laws of Utah 2002
- 882 **17A-2-701.2**, as enacted by Chapter 285, Laws of Utah 2002
- 883 **17A-2-701.5**, as enacted by Chapter 285, Laws of Utah 2002
- 884 **17A-2-706**, as last amended by Chapter 90, Laws of Utah 2001
- 885 **17A-2-707**, as last amended by Chapter 254, Laws of Utah 2000
- 886 **17A-2-711**, as last amended by Chapter 285, Laws of Utah 2002
- 887 **17A-2-712**, as last amended by Chapter 105, Laws of Utah 2005
- 888 **17A-2-713**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 889 **17A-2-717.5**, as enacted by Chapter 285, Laws of Utah 2002
- 890 **17A-2-718**, as last amended by Chapter 285, Laws of Utah 2002
- 891 **17A-2-719.5**, as enacted by Chapter 285, Laws of Utah 2002
- 892 **17A-2-721**, as last amended by Chapter 285, Laws of Utah 2002
- 893 **17A-2-722**, as last amended by Chapter 285, Laws of Utah 2002
- 894 **17A-2-724**, as last amended by Chapter 285, Laws of Utah 2002
- 895 **17A-2-726**, as last amended by Chapter 285, Laws of Utah 2002
- 896 **17A-2-728**, as last amended by Chapter 254, Laws of Utah 2000
- 897 **17A-2-729**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 898 **17A-2-730**, as last amended by Chapter 90, Laws of Utah 2001
- 899 **17A-2-738**, as last amended by Chapter 90, Laws of Utah 2001
- 900 **17A-2-739**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 901 **17A-2-749**, as last amended by Chapter 90, Laws of Utah 2001
- 902 **17A-2-750**, as last amended by Chapter 254, Laws of Utah 2000
- 903 **17A-2-751**, as last amended by Chapter 90, Laws of Utah 2001
- 904 **17A-2-752**, as last amended by Chapter 90, Laws of Utah 2001
- 905 **17A-2-753**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 906 **17A-2-754**, as last amended by Chapter 285, Laws of Utah 2002
- 907 **17A-2-755**, as last amended by Chapter 285, Laws of Utah 2002
- 908 **17A-2-756**, as last amended by Chapter 285, Laws of Utah 2002
- 909 **17A-2-757**, as last amended by Chapter 254, Laws of Utah 2000
- 910 **17A-2-758**, as last amended by Chapter 90, Laws of Utah 2001
- 911 **17A-2-759**, as last amended by Chapter 90, Laws of Utah 2001
- 912 **17A-2-760**, as last amended by Chapter 254, Laws of Utah 2000
- 913 **17A-2-761**, as last amended by Chapter 285, Laws of Utah 2002
- 914 **17A-2-762**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 915 **17A-2-763**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 916 **17A-2-764**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 917 **17A-2-765**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 918 **17A-2-766**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 919 **17A-2-767**, as last amended by Chapter 254, Laws of Utah 2000
- 920 **17A-2-801**, as last amended by Chapter 90, Laws of Utah 2001
- 921 **17A-2-802**, as last amended by Chapter 254, Laws of Utah 2000
- 922 **17A-2-803**, as last amended by Chapter 90, Laws of Utah 2001
- 923 **17A-2-810**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 924 **17A-2-818**, as last amended by Chapter 39, Laws of Utah 2005
- 925 **17A-2-819**, as last amended by Chapter 70, Laws of Utah 2001

926 **17A-2-820**, as last amended by Chapter 254, Laws of Utah 2000
927 **17A-2-821**, as last amended by Chapter 105, Laws of Utah 2005
928 **17A-2-823**, as renumbered and amended by Chapter 186, Laws of Utah 1990
929 **17A-2-824**, as last amended by Chapter 105, Laws of Utah 2005
930 **17A-2-826**, as last amended by Chapter 105, Laws of Utah 2005
931 **17A-2-827**, as last amended by Chapter 254, Laws of Utah 2000
932 **17A-2-828**, as last amended by Chapter 254, Laws of Utah 2000
933 **17A-2-829**, as last amended by Chapter 254, Laws of Utah 2000
934 **17A-2-830**, as last amended by Chapter 254, Laws of Utah 2000
935 **17A-2-831**, as last amended by Chapter 254, Laws of Utah 2000
936 **17A-2-833**, as renumbered and amended by Chapter 186, Laws of Utah 1990
937 **17A-2-834**, as last amended by Chapter 254, Laws of Utah 2000
938 **17A-2-835**, as last amended by Chapter 254, Laws of Utah 2000
939 **17A-2-836**, as last amended by Chapter 254, Laws of Utah 2000
940 **17A-2-837**, as renumbered and amended by Chapter 186, Laws of Utah 1990
941 **17A-2-838**, as renumbered and amended by Chapter 186, Laws of Utah 1990
942 **17A-2-839**, as renumbered and amended by Chapter 186, Laws of Utah 1990
943 **17A-2-840**, as last amended by Chapter 254, Laws of Utah 2000
944 **17A-2-843**, as last amended by Chapter 254, Laws of Utah 2000
945 **17A-2-845**, as last amended by Chapter 254, Laws of Utah 2000
946 **17A-2-846**, as renumbered and amended by Chapter 186, Laws of Utah 1990
947 **17A-2-847**, as last amended by Chapter 254, Laws of Utah 2000
948 **17A-2-848**, as renumbered and amended by Chapter 186, Laws of Utah 1990
949 **17A-2-849**, as last amended by Chapter 254, Laws of Utah 2000
950 **17A-2-850**, as last amended by Chapter 254, Laws of Utah 2000
951 **17A-2-851**, as renumbered and amended by Chapter 186, Laws of Utah 1990
952 **17A-2-901**, as renumbered and amended by Chapter 186, Laws of Utah 1990
953 **17A-2-906**, as last amended by Chapter 368, Laws of Utah 1998

- 954 **17A-2-907**, as last amended by Chapter 254, Laws of Utah 2000
- 955 **17A-2-908**, as last amended by Chapter 83, Laws of Utah 2006
- 956 **17A-2-909**, as last amended by Chapter 227, Laws of Utah 1993
- 957 **17A-2-911**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 958 **17A-2-914**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 959 **17A-2-1001**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 960 **17A-2-1002**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 961 **17A-2-1003**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 962 **17A-2-1004**, as last amended by Chapters 151 and 217, Laws of Utah 1998
- 963 **17A-2-1016**, as last amended by Chapter 136, Laws of Utah 2005
- 964 **17A-2-1017**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 965 **17A-2-1018**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 966 **17A-2-1019**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 967 **17A-2-1020**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 968 **17A-2-1021**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 969 **17A-2-1022**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 970 **17A-2-1023**, as last amended by Chapter 1, Laws of Utah 2000
- 971 **17A-2-1024**, as last amended by Chapter 1, Laws of Utah 2000
- 972 **17A-2-1025**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 973 **17A-2-1026**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 974 **17A-2-1027**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 975 **17A-2-1028**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 976 **17A-2-1029**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 977 **17A-2-1030**, as last amended by Chapter 1, Laws of Utah 2000
- 978 **17A-2-1031**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 979 **17A-2-1032**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 980 **17A-2-1033**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 981 **17A-2-1034**, as renumbered and amended by Chapter 186, Laws of Utah 1990

- 982 **17A-2-1035**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 983 **17A-2-1036**, as last amended by Chapter 285, Laws of Utah 1992
- 984 **17A-2-1037**, as last amended by Chapter 105, Laws of Utah 2005
- 985 **17A-2-1039**, as last amended by Chapter 336, Laws of Utah 2004
- 986 **17A-2-1040**, as last amended by Chapter 254, Laws of Utah 2000
- 987 **17A-2-1041**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 988 **17A-2-1042**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 989 **17A-2-1043**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 990 **17A-2-1044**, as last amended by Chapter 254, Laws of Utah 2000
- 991 **17A-2-1045**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 992 **17A-2-1046**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 993 **17A-2-1047**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 994 **17A-2-1048**, as last amended by Chapter 90, Laws of Utah 2001
- 995 **17A-2-1051**, as last amended by Chapter 71, Laws of Utah 2005
- 996 **17A-2-1052**, as last amended by Chapter 254, Laws of Utah 2000
- 997 **17A-2-1053**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 998 **17A-2-1054**, as last amended by Chapter 254, Laws of Utah 2000
- 999 **17A-2-1055**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1000 **17A-2-1056**, as last amended by Chapter 102, Laws of Utah 2005
- 1001 **17A-2-1057**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1002 **17A-2-1058**, as last amended by Chapter 105, Laws of Utah 2005
- 1003 **17A-2-1059**, as last amended by Chapter 133, Laws of Utah 2000
- 1004 **17A-2-1060**, as enacted by Chapter 131, Laws of Utah 1997
- 1005 **17A-2-1401**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1006 **17A-2-1402**, as last amended by Chapter 254, Laws of Utah 2000
- 1007 **17A-2-1412**, as last amended by Chapter 254, Laws of Utah 2000
- 1008 **17A-2-1413**, as last amended by Chapter 9, Laws of Utah 2001
- 1009 **17A-2-1414**, as last amended by Chapter 105, Laws of Utah 2005

- 1010 **17A-2-1415**, as last amended by Chapter 234, Laws of Utah 1991
- 1011 **17A-2-1416**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1012 **17A-2-1417**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1013 **17A-2-1418**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1014 **17A-2-1419**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1015 **17A-2-1420**, as last amended by Chapter 90, Laws of Utah 2001
- 1016 **17A-2-1421**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1017 **17A-2-1422**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1018 **17A-2-1423**, as last amended by Chapter 159, Laws of Utah 2006
- 1019 **17A-2-1424**, as last amended by Chapter 227, Laws of Utah 1993
- 1020 **17A-2-1425**, as last amended by Chapters 1 and 254, Laws of Utah 2000
- 1021 **17A-2-1426**, as last amended by Chapter 5, Laws of Utah 1991
- 1022 **17A-2-1427**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1023 **17A-2-1428**, as last amended by Chapter 261, Laws of Utah 1996
- 1024 **17A-2-1429**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1025 **17A-2-1430**, as last amended by Chapter 227, Laws of Utah 1993
- 1026 **17A-2-1431**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1027 **17A-2-1432**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1028 **17A-2-1433**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1029 **17A-2-1434**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1030 **17A-2-1435**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1031 **17A-2-1436**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1032 **17A-2-1439**, as last amended by Chapter 105, Laws of Utah 2005
- 1033 **17A-2-1440**, as last amended by Chapter 105, Laws of Utah 2005
- 1034 **17A-2-1441**, as last amended by Chapter 261, Laws of Utah 1996
- 1035 **17A-2-1442**, as last amended by Chapter 254, Laws of Utah 2000
- 1036 **17A-2-1443**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1037 **17A-2-1444**, as last amended by Chapter 1, Laws of Utah 2000

- 1038 **17A-2-1445**, as last amended by Chapter 5, Laws of Utah 1991
- 1039 **17A-2-1446**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1040 **17A-2-1447**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1041 **17A-2-1448**, as last amended by Chapter 9, Laws of Utah 2001
- 1042 **17A-2-1449**, as last amended by Chapter 9, Laws of Utah 2001
- 1043 **17A-2-1801**, as enacted by Chapter 216, Laws of Utah 1995
- 1044 **17A-2-1802**, as last amended by Chapter 19, Laws of Utah 1998
- 1045 **17A-2-1803**, as last amended by Chapter 1, Laws of Utah 2000
- 1046 **17A-2-1804**, as enacted by Chapter 216, Laws of Utah 1995
- 1047 **17A-2-1805**, as last amended by Chapter 1, Laws of Utah 2000
- 1048 **17A-2-1806**, as enacted by Chapter 216, Laws of Utah 1995
- 1049 **17A-2-1807**, as enacted by Chapter 216, Laws of Utah 1995
- 1050 **17A-2-1808**, as last amended by Chapter 254, Laws of Utah 2000
- 1051 **17A-2-1821**, as last amended by Chapter 90, Laws of Utah 2001
- 1052 **17A-2-1822**, as enacted by Chapter 216, Laws of Utah 1995
- 1053 **17A-2-1823**, as last amended by Chapter 105, Laws of Utah 2005
- 1054 **17A-2-1824**, as enacted by Chapter 216, Laws of Utah 1995
- 1055 **17A-2-1826**, as enacted by Chapter 216, Laws of Utah 1995
- 1056 **17A-2-1828**, as last amended by Chapter 83, Laws of Utah 2006
- 1057 **17A-2-1829**, as enacted by Chapter 216, Laws of Utah 1995
- 1058 **17A-2-1830**, as last amended by Chapter 267, Laws of Utah 2004
- 1059 **17A-2-1831**, as enacted by Chapter 216, Laws of Utah 1995
- 1060 **17A-2-1832**, as enacted by Chapter 216, Laws of Utah 1995
- 1061 **17A-3-201**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1062 **17A-3-202**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1063 **17A-3-203**, as last amended by Chapter 227, Laws of Utah 1993
- 1064 **17A-3-204**, as last amended by Chapters 12 and 146, Laws of Utah 1994
- 1065 **17A-3-205**, as renumbered and amended by Chapter 186 and last amended by Chapter

- 1066 214, Laws of Utah 1990
- 1067 **17A-3-206**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1068 **17A-3-207**, as last amended by Chapter 181, Laws of Utah 1991
- 1069 **17A-3-208**, as last amended by Chapter 259, Laws of Utah 2003
- 1070 **17A-3-209**, as last amended by Chapter 1, Laws of Utah 2000
- 1071 **17A-3-210**, as last amended by Chapter 92, Laws of Utah 2002
- 1072 **17A-3-211**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1073 **17A-3-212**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1074 **17A-3-213**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1075 **17A-3-214**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1076 **17A-3-215**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1077 **17A-3-216**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1078 **17A-3-217**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1079 **17A-3-218**, as last amended by Chapter 133, Laws of Utah 2000
- 1080 **17A-3-219**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1081 **17A-3-220**, as last amended by Chapter 92, Laws of Utah 2002
- 1082 **17A-3-221**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1083 **17A-3-222**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1084 214, Laws of Utah 1990
- 1085 **17A-3-223**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1086 **17A-3-224**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1087 **17A-3-225**, as last amended by Chapter 181, Laws of Utah 1995
- 1088 **17A-3-226**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1089 **17A-3-227**, as last amended by Chapter 92, Laws of Utah 2002
- 1090 **17A-3-228**, as last amended by Chapter 92, Laws of Utah 2002
- 1091 **17A-3-229**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1092 **17A-3-230**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1093 214, Laws of Utah 1990

- 1094 **17A-3-231**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1095 **17A-3-232**, as last amended by Chapter 285, Laws of Utah 1992
- 1096 **17A-3-233**, as renumbered and amended by Chapter 186 and last amended by Chapter
1097 214, Laws of Utah 1990
- 1098 **17A-3-234**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1099 **17A-3-235**, as renumbered and amended by Chapter 186 and last amended by Chapter
1100 214, Laws of Utah 1990
- 1101 **17A-3-236**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1102 **17A-3-237**, as renumbered and amended by Chapter 186 and last amended by Chapter
1103 214, Laws of Utah 1990
- 1104 **17A-3-238**, as renumbered and amended by Chapter 186 and last amended by Chapter
1105 214, Laws of Utah 1990
- 1106 **17A-3-239**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1107 **17A-3-240**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1108 **17A-3-241**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1109 **17A-3-242**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1110 **17A-3-243**, as last amended by Chapter 30, Laws of Utah 1992
- 1111 **17A-3-244**, as renumbered and amended by Chapter 90, Laws of Utah 2001
- 1112 **17A-3-301**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1113 **17A-3-302**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1114 **17A-3-303**, as last amended by Chapter 1, Laws of Utah 2000
- 1115 **17A-3-304**, as last amended by Chapter 261, Laws of Utah 2003
- 1116 **17A-3-305**, as renumbered and amended by Chapter 186 and last amended by Chapter
1117 214, Laws of Utah 1990
- 1118 **17A-3-306**, as last amended by Chapter 292, Laws of Utah 2003
- 1119 **17A-3-307**, as last amended by Chapter 211, Laws of Utah 2003
- 1120 **17A-3-308**, as last amended by Chapter 86, Laws of Utah 2000
- 1121 **17A-3-309**, as last amended by Chapter 365, Laws of Utah 1999

- 1122 **17A-3-310**, as last amended by Chapter 92, Laws of Utah 2002
- 1123 **17A-3-311**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1124 **17A-3-312**, as last amended by Chapter 47, Laws of Utah 1991
- 1125 **17A-3-313**, as last amended by Chapter 47, Laws of Utah 1991
- 1126 **17A-3-314**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1127 **17A-3-315**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1128 **17A-3-316**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1129 214, Laws of Utah 1990
- 1130 **17A-3-317**, as last amended by Chapter 292, Laws of Utah 2003
- 1131 **17A-3-318**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1132 214, Laws of Utah 1990
- 1133 **17A-3-319**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1134 **17A-3-320**, as last amended by Chapter 92, Laws of Utah 2002
- 1135 **17A-3-321**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1136 **17A-3-322**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1137 214, Laws of Utah 1990
- 1138 **17A-3-323**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1139 **17A-3-324**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1140 **17A-3-325**, as last amended by Chapter 181, Laws of Utah 1995
- 1141 **17A-3-326**, as last amended by Chapter 285, Laws of Utah 1992
- 1142 **17A-3-327**, as last amended by Chapter 285, Laws of Utah 1992
- 1143 **17A-3-328**, as last amended by Chapter 92, Laws of Utah 2002
- 1144 **17A-3-329**, as last amended by Chapter 92, Laws of Utah 2002
- 1145 **17A-3-330**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1146 **17A-3-331**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1147 214, Laws of Utah 1990
- 1148 **17A-3-332**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1149 **17A-3-333**, as renumbered and amended by Chapter 186 and last amended by Chapter

- 1150 214, Laws of Utah 1990
- 1151 **17A-3-334**, as last amended by Chapter 285, Laws of Utah 1992
- 1152 **17A-3-335**, as last amended by Chapter 285, Laws of Utah 1992
- 1153 **17A-3-336**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1154 **17A-3-337**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1155 214, Laws of Utah 1990
- 1156 **17A-3-338**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1157 **17A-3-339**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1158 214, Laws of Utah 1990
- 1159 **17A-3-340**, as renumbered and amended by Chapter 186 and last amended by Chapter
- 1160 214, Laws of Utah 1990
- 1161 **17A-3-341**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1162 **17A-3-342**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1163 **17A-3-344**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 1164 **17A-3-345**, as enacted by Chapter 214, Laws of Utah 1990
- 1165 **17B-2-217**, as last amended by Chapter 44, Laws of Utah 2005
- 1166 **17B-2-804**, as enacted by Chapter 316, Laws of Utah 2004
- 1167 **17B-2-805**, as enacted by Chapter 316, Laws of Utah 2004
- 1168 **54-3-25**, as enacted by Chapter 123, Laws of Utah 1990

1169 **Uncodified Material Affected:**

1170 ENACTS UNCODIFIED MATERIAL



1172 *Be it enacted by the Legislature of the state of Utah:*

1173 Section 1. Section **8-5-5** is amended to read:

1174 **8-5-5. Proceeds of resale of lots.**

1175 The proceeds from the subsequent resale of any lot or parcel, title to which has been
1176 revested in the municipality or cemetery maintenance district under Section 8-5-2 or 8-5-6, less
1177 the costs and expenses incurred in the proceeding, shall become part of the permanent care and

1178 improvement fund of the municipality or cemetery maintenance district, subject to subsequent
1179 disposition under Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10,
1180 Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, or Title [~~17A~~] 17B, Chapter 1, Part
1181 [~~4, Uniform~~] 6, Fiscal Procedures for [~~Special~~] Local Districts [~~Act~~].

1182 Section 2. Section **10-1-117** is amended to read:

1183 **10-1-117. Amending articles of incorporation -- Lieutenant governor certification**
1184 **-- Effective date.**

1185 (1) A municipality may amend its articles of incorporation by filing amended articles
1186 with the lieutenant governor.

1187 (2) The lieutenant governor may not certify amended articles of incorporation unless
1188 they have been:

1189 (a) approved by the municipal legislative body; and

1190 (b) signed and verified by the mayor of the municipality.

1191 (3) (a) Within ten days after receiving amended articles of incorporation that comply
1192 with Subsection (2), the lieutenant governor shall:

1193 (i) certify the amended articles; and

1194 (ii) deliver a copy of the certified articles to:

1195 (A) the legislative body of the municipality; and

1196 (B) the clerk of the county in which the municipality is located.

1197 (b) If the lieutenant governor receives amended articles of incorporation reflecting a
1198 municipal annexation or boundary adjustment under Chapter 2, Part 4, Annexation, that also
1199 causes an automatic annexation to a local district under Section [~~17B-2-515.5~~] 17B-1-416 or an
1200 automatic withdrawal from a local district under Subsection [~~17B-2-601~~] 17B-1-502(2):

1201 (i) the lieutenant governor may not certify the municipality's amended articles or issue
1202 to the local district a certificate of annexation or withdrawal relating to the automatic
1203 annexation or withdrawal until the lieutenant governor receives both the municipality's
1204 amended articles of incorporation under Subsection 10-2-425(1)(b) and the local district's
1205 notice of annexation under Subsection [~~17B-2-514~~] 17B-1-414(2)(b) or notice of withdrawal

1206 under Subsection [~~17B-2-610~~] 17B-1-512(1)(b);

1207 (ii) within ten days after receiving both the municipality's amended articles of

1208 incorporation and the local district's notice of annexation or withdrawal, the lieutenant

1209 governor shall:

1210 (A) simultaneously:

1211 (I) certify the amended articles; and

1212 (II) issue a certificate of annexation or withdrawal, as the case may be;

1213 (B) send a copy of the certified amended articles to the legislative body of the

1214 municipality;

1215 (C) send a certificate of annexation or withdrawal to the local district; and

1216 (D) send a copy of the certified amended articles and certificate of annexation or

1217 withdrawal to:

1218 (I) the State Tax Commission;

1219 (II) the Automated Geographic Reference Center created under Section 63F-1-506;

1220 (III) the state auditor; and

1221 (IV) the attorney, auditor, surveyor, and recorder of each county in which any part of

1222 the area included in the municipal annexation is located.

1223 (4) Upon certification by the lieutenant governor, the amended articles shall take effect.

1224 (5) The lieutenant governor:

1225 (a) shall furnish a certified copy of the amended articles of incorporation to any person

1226 who requests a certified copy; and

1227 (b) may charge a reasonable fee for the certified copy.

1228 Section 3. Section **10-2-101** is amended to read:

1229 **10-2-101. Definitions.**

1230 (1) As used in this part:

1231 (a) "Commission" means a boundary commission established under Section 10-2-409

1232 for the county in which the property that is proposed to be incorporated is located.

1233 (b) "Feasibility consultant" means a person or firm with expertise in the processes and

1234 economics of local government.

1235 (c) "Private," with respect to real property, means not owned by the United States or
1236 any agency of the federal government, the state, a county, a municipality, a school district, a
1237 ~~[special] local~~ district under Title ~~[17A, Special Districts,]~~ 17B, Limited Purpose Local
1238 Government Entities - Local Districts, a special service district under Title 17A, Chapter 2,
1239 Part 13, Utah Special Service District Act, or any other political subdivision or governmental
1240 entity of the state.

1241 (2) For purposes of this part:

1242 (a) the owner of real property shall be the record title owner according to the records of
1243 the county recorder on the date of the filing of the request or petition; and

1244 (b) the value of private real property shall be determined according to the last
1245 assessment roll for county taxes before the filing of the request or petition.

1246 (3) For purposes of each provision of this part that requires the owners of private real
1247 property covering a percentage or fraction of the total private land area within an area to sign a
1248 request or petition:

1249 (a) a parcel of real property may not be included in the calculation of the required
1250 percentage or fraction unless the request or petition is signed by:

1251 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
1252 ownership interest in that parcel; or

1253 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
1254 of owners of that parcel;

1255 (b) the signature of a person signing a request or petition in a representative capacity on
1256 behalf of an owner is invalid unless:

1257 (i) the person's representative capacity and the name of the owner the person represents
1258 are indicated on the request or petition with the person's signature; and

1259 (ii) the person provides documentation accompanying the request or petition that
1260 substantiates the person's representative capacity; and

1261 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a

1262 request or petition on behalf of a deceased owner.

1263 Section 4. Section **10-2-106** is amended to read:

1264 **10-2-106. Feasibility study -- Feasibility study consultant.**

1265 (1) Within 60 days of receipt of a certified request under Subsection 10-2-105(1)(b)(i),
1266 the county legislative body shall engage the feasibility consultant chosen under Subsection (2)
1267 to conduct a feasibility study.

1268 (2) The feasibility consultant shall be chosen by a majority vote of a selection
1269 committee consisting of:

1270 (a) a person designated by the county legislative body;

1271 (b) a person designated by the sponsors of the request for a feasibility study; and

1272 (c) a person designated by the governor.

1273 (3) The county legislative body shall require the feasibility consultant to:

1274 (a) complete the feasibility study and submit the written results to the county legislative
1275 body and the contact sponsor no later than 90 days after the feasibility consultant is engaged to
1276 conduct the study;

1277 (b) submit with the full written results of the feasibility study a summary of the results
1278 no longer than one page in length; and

1279 (c) attend the public hearings under Subsection 10-2-108(1) and present the feasibility
1280 study results and respond to questions from the public at those hearings.

1281 (4) (a) The feasibility study shall consider:

1282 (i) the population and population density within the area proposed for incorporation
1283 and the surrounding area;

1284 (ii) the history, geography, geology, and topography of and natural boundaries within
1285 the area proposed to be incorporated and the surrounding area;

1286 (iii) whether the proposed boundaries eliminate or create an unincorporated island or
1287 peninsula;

1288 (iv) whether the proposed incorporation will hinder or prevent a future and more
1289 logical and beneficial incorporation or a future logical and beneficial annexation;

1290 (v) the fiscal impact on unincorporated areas, other municipalities, [~~special~~] local
1291 districts, special service districts, and other governmental entities in the county;

1292 (vi) current and five-year projections of demographics and economic base in the
1293 proposed city and surrounding area, including household size and income, commercial and
1294 industrial development, and public facilities;

1295 (vii) projected growth in the proposed city and in adjacent areas during the next five
1296 years;

1297 (viii) subject to Subsection (4)(c), the present and five-year projections of the cost,
1298 including overhead, of governmental services in the proposed city;

1299 (ix) the present and five-year projected revenue for the proposed city;

1300 (x) the projected impact the incorporation will have over the following five years on
1301 the amount of taxes that property owners within the proposed city and in the remaining
1302 unincorporated county will pay;

1303 (xi) past expansion in terms of population and construction in the proposed city and the
1304 surrounding area;

1305 (xii) the extension of the boundaries of other nearby municipalities during the past ten
1306 years, the willingness of those municipalities to annex the area proposed for incorporation, and
1307 the probability that those municipalities would annex territory within the area proposed for
1308 incorporation within the next five years except for the incorporation; and

1309 (xiii) whether the legislative body of the county in which the area proposed to be
1310 incorporated favors the incorporation proposal.

1311 (b) For purposes of Subsection (4)(a)(ix), the feasibility consultant shall assume ad
1312 valorem property tax rates on residential property within the proposed city at the same level at
1313 which they would have been without the incorporation.

1314 (c) For purposes of Subsection (4)(a)(viii):

1315 (i) the feasibility consultant shall assume a level and quality of governmental services
1316 to be provided to the proposed city in the future that fairly and reasonably approximate the
1317 level and quality of governmental services being provided to the proposed city at the time of

1318 the feasibility study;

1319 (ii) in determining the present cost of a governmental service, the feasibility consultant
1320 shall consider:

1321 (A) the amount it would cost the proposed city itself to provide the service after
1322 incorporation;

1323 (B) if the county is currently providing the service to the proposed city, the county's
1324 cost of providing the service; and

1325 (C) if the county is not currently providing the service to the proposed city, the amount
1326 the proposed city can reasonably expect to pay for the service under a contract for the service;
1327 and

1328 (iii) the five-year projected cost of a governmental service shall be based on the
1329 amount calculated under Subsection (4)(c)(ii), taking into account inflation and anticipated
1330 growth.

1331 (5) If the results of the feasibility study or revised feasibility study do not meet the
1332 requirements of Subsection 10-2-109(3), the feasibility consultant shall, as part of the
1333 feasibility study or revised feasibility study and if requested by the sponsors of the request,
1334 make recommendations as to how the boundaries of the proposed city may be altered so that
1335 the requirements of Subsection 10-2-109(3) may be met.

1336 (6) (a) For purposes of this Subsection (6), "pending" means that the process to
1337 incorporate an unincorporated area has been initiated by the filing of a request for feasibility
1338 study under Section 10-2-103 but that, as of the date this Subsection (6) becomes effective, a
1339 petition under Section 10-2-109 has not yet been filed.

1340 (b) The amendments to Subsection (4) that become effective upon the effective date of
1341 this Subsection (6):

1342 (i) apply to each pending proceeding proposing the incorporation of an unincorporated
1343 area; and

1344 (ii) do not apply to a municipal incorporation proceeding under this part in which a
1345 petition under Section 10-2-109 has been filed.

1346 (c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of the
1347 effective date of this Subsection (6), already completed the feasibility study, the county
1348 legislative body shall, within 20 days after the effective date of this Subsection (6) and except
1349 as provided in Subsection (6)(c)(iii), engage the feasibility consultant to revise the feasibility
1350 study to take into account the amendments to Subsection (4) that became effective on the
1351 effective date of this Subsection (6).

1352 (ii) Except as provided in Subsection (6)(c)(iii), the county legislative body shall
1353 require the feasibility consultant to complete the revised feasibility study under Subsection
1354 (6)(c)(i) within 20 days after being engaged to do so.

1355 (iii) Notwithstanding Subsections (6)(c)(i) and (ii), a county legislative body is not
1356 required to engage the feasibility consultant to revise the feasibility study if, within 15 days
1357 after the effective date of this Subsection (6), the request sponsors file with the county clerk a
1358 written withdrawal of the request signed by all the request sponsors.

1359 (d) All provisions of this part that set forth the incorporation process following the
1360 completion of a feasibility study shall apply with equal force following the completion of a
1361 revised feasibility study under this Subsection (6), except that, if a petition under Section
1362 10-2-109 has already been filed based on the feasibility study that is revised under this
1363 Subsection (6):

1364 (i) the notice required by Section 10-2-108 for the revised feasibility study shall
1365 include a statement informing signers of the petition of their right to withdraw their signatures
1366 from the petition and of the process and deadline for withdrawing a signature from the petition;

1367 (ii) a signer of the petition may withdraw the signer's signature by filing with the
1368 county clerk a written withdrawal within 30 days after the final notice under Subsection
1369 10-2-108(2) has been given with respect to the revised feasibility study; and

1370 (iii) unless withdrawn, a signature on the petition may be used toward fulfilling the
1371 signature requirements under Subsection 10-2-109(2)(a) for a petition based on the revised
1372 feasibility study.

1373 Section 5. Section **10-2-401** is amended to read:

1374 **10-2-401. Definitions -- Property owner provisions.**

1375 (1) As used in this part:

1376 (a) "Affected entity" means:

1377 (i) a county in whose unincorporated area the area proposed for annexation is located;

1378 (ii) ~~[an independent special]~~ a local district under Title ~~[17A, Chapter 2, Independent~~
1379 ~~Special Districts]~~ 17B, Limited Purpose Local Government Entities - Local Districts, or special

1380 service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, whose
1381 boundaries include any part of an area proposed for annexation;

1382 (iii) a school district whose boundaries include any part of an area proposed for
1383 annexation; and

1384 (iv) a municipality whose boundaries are within 1/2 mile of an area proposed for
1385 annexation.

1386 (b) "Annexation petition" means a petition under Section 10-2-403 proposing the
1387 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the
1388 municipality.

1389 (c) "Commission" means a boundary commission established under Section 10-2-409
1390 for the county in which the property that is proposed for annexation is located.

1391 (d) "Expansion area" means the unincorporated area that is identified in an annexation
1392 policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in
1393 the future.

1394 (e) "Feasibility consultant" means a person or firm with expertise in the processes and
1395 economics of local government.

1396 (f) "Municipal selection committee" means a committee in each county composed of
1397 the mayor of each municipality within that county.

1398 (g) "Private," with respect to real property, means not owned by the United States or
1399 any agency of the federal government, the state, a county, a municipality, a school district, a
1400 ~~[special]~~ local district under Title ~~[17A, Special Districts,]~~ 17B, Limited Purpose Local
1401 Government Entities - Local Districts, a special service district under Title 17A, Chapter 2,

1402 Part 13, Utah Special Service District Act, or any other political subdivision or governmental
1403 entity of the state.

1404 (h) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

1405 (i) "Urban development" means:

1406 (i) a housing development with more than 15 residential units and an average density
1407 greater than one residential unit per acre; or

1408 (ii) a commercial or industrial development for which cost projections exceed
1409 \$750,000 for all phases.

1410 (2) For purposes of this part:

1411 (a) the owner of real property shall be the record title owner according to the records of
1412 the county recorder on the date of the filing of the petition or protest; and

1413 (b) the value of private real property shall be determined according to the last
1414 assessment roll for county taxes before the filing of the petition or protest.

1415 (3) For purposes of each provision of this part that requires the owners of private real
1416 property covering a percentage or majority of the total private land area within an area to sign a
1417 petition or protest:

1418 (a) a parcel of real property may not be included in the calculation of the required
1419 percentage or majority unless the petition or protest is signed by:

1420 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
1421 ownership interest in that parcel; or

1422 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
1423 of owners of that parcel;

1424 (b) the signature of a person signing a petition or protest in a representative capacity on
1425 behalf of an owner is invalid unless:

1426 (i) the person's representative capacity and the name of the owner the person represents
1427 are indicated on the petition or protest with the person's signature; and

1428 (ii) the person provides documentation accompanying the petition or protest that
1429 substantiates the person's representative capacity; and

1430 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
1431 petition or protest on behalf of a deceased owner.

1432 Section 6. Section **10-2-403** is amended to read:

1433 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

1434 (1) Except as provided in Section 10-2-418, the process to annex an unincorporated
1435 area to a municipality is initiated by a petition as provided in this section.

1436 (2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed
1437 annexation of an area located in a county of the first class, the person or persons intending to
1438 file a petition shall:

1439 (A) file with the city recorder or town clerk of the proposed annexing municipality a
1440 notice of intent to file a petition; and

1441 (B) send a copy of the notice of intent to each affected entity.

1442 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the
1443 area that is proposed to be annexed.

1444 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be
1445 annexed is located shall:

1446 (A) mail the notice described in Subsection (2)(b)(iii) to:

1447 (I) each owner of real property located within the area proposed to be annexed; and

1448 (II) each owner of real property located within 300 feet of the area proposed to be
1449 annexed; and

1450 (B) send to the proposed annexing municipality a copy of the notice and a certificate
1451 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

1452 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20
1453 days after receiving from the person or persons who filed the notice of intent:

1454 (A) a written request to mail the required notice; and

1455 (B) payment of an amount equal to the county's expected actual cost of mailing the
1456 notice.

1457 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

1458 (A) be in writing;

1459 (B) state, in bold and conspicuous terms, substantially the following:

1460 "Attention: Your property may be affected by a proposed annexation.

1461 Records show that you own property within an area that is intended to be included in a
1462 proposed annexation to (state the name of the proposed annexing municipality) or that is within
1463 300 feet of that area. If your property is within the area proposed for annexation, you may be
1464 asked to sign a petition supporting the annexation. You may choose whether or not to sign the
1465 petition. By signing the petition, you indicate your support of the proposed annexation. If you
1466 sign the petition but later change your mind about supporting the annexation, you may
1467 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
1468 of (state the name of the proposed annexing municipality) within 30 days after (state the name
1469 of the proposed annexing municipality) receives notice that the petition has been certified.

1470 There will be no public election on the proposed annexation because Utah law does not
1471 provide for an annexation to be approved by voters at a public election. Signing or not signing
1472 the annexation petition is the method under Utah law for the owners of property within the area
1473 proposed for annexation to demonstrate their support of or opposition to the proposed
1474 annexation.

1475 Under Utah law, the elected officials of (state the name of the proposed annexing
1476 municipality) may have no choice but to grant the annexation petition if the county's property
1477 tax rate for municipal services in the area proposed to be annexed is higher than the property
1478 tax rate of (state the name of the proposed annexing municipality) and if other statutory
1479 conditions are met.

1480 You may obtain more information on the proposed annexation by contacting (state the
1481 name, mailing address, telephone number, and email address of the official or employee of the
1482 proposed annexing municipality designated to respond to questions about the proposed
1483 annexation), (state the name, mailing address, telephone number, and email address of the
1484 county official or employee designated to respond to questions about the proposed annexation),
1485 or (state the name, mailing address, telephone number, and email address of the person who

1486 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the
1487 notice of intent, one of those persons). Once filed, the annexation petition will be available for
1488 inspection and copying at the office of (state the name of the proposed annexing municipality)
1489 located at (state the address of the municipal offices of the proposed annexing municipality).";
1490 and

1491 (C) be accompanied by an accurate map identifying the area proposed for annexation.

1492 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any
1493 other information or materials related or unrelated to the proposed annexation.

1494 (c) (i) After receiving the certificate from the county as provided in Subsection
1495 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons
1496 who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for
1497 the annexation proposed in the notice of intent.

1498 (ii) An annexation petition provided by the proposed annexing municipality may be
1499 duplicated for circulation for signatures.

1500 (3) Each petition under Subsection (1) shall:

1501 (a) (i) be filed with the city recorder or town clerk, as the case may be, of the proposed
1502 annexing municipality;

1503 (ii) when filed and if applicable, be accompanied by a written statement, signed by the
1504 petition sponsors, certifying that signatures on a petition that does not comply with the
1505 requirements of Subsection (3)(d) were gathered before the effective date of that Subsection;

1506 (b) contain the signatures of:

1507 (i) the owners of private real property that:

1508 (A) is located within the area proposed for annexation;

1509 (B) (I) subject to Subsection (3)(b)(i)(B)(II), covers a majority of the private land area
1510 within the area proposed for annexation; and

1511 (II) covers 100% of the private land area within the area proposed for annexation, if the
1512 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture
1513 Protection Area; and

1514 (C) is equal in value to at least 1/3 of the value of all private real property within the
1515 area proposed for annexation; or

1516 (ii) if all the real property within the area proposed for annexation is owned by a public
1517 entity other than the federal government, the owner of all the publicly owned real property;

1518 (c) be accompanied by:

1519 (i) an accurate and recordable map, prepared by a licensed surveyor, of the area
1520 proposed for annexation; and

1521 (ii) a copy of the notice sent to affected entities as required under Subsection
1522 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

1523 (d) if the area proposed to be annexed is located in a county of the first class, contain
1524 on each signature page a notice in bold and conspicuous terms that states substantially the
1525 following:

1526 "Notice:

1527 • Under Utah law, the elected officials of (state the name of the proposed annexing
1528 municipality) may have no choice but to grant this annexation petition if the county's property
1529 tax rate for municipal services in the area proposed to be annexed is higher than the property
1530 tax rate of (state the name of the proposed annexing municipality) and if other statutory
1531 conditions are met.

1532 • There will be no public election on the annexation proposed by this petition because
1533 Utah law does not provide for an annexation to be approved by voters at a public election.

1534 • If you sign this petition and later decide that you do not support the petition, you may
1535 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
1536 of (state the name of the proposed annexing municipality). If you choose to withdraw your
1537 signature, you must do so no later than 30 days after (state the name of the proposed annexing
1538 municipality) receives notice that the petition has been certified.";

1539 (e) if the petition proposes the annexation of an area located in a county that is not the
1540 county in which the proposed annexing municipality is located, be accompanied by a copy of
1541 the resolution, required under Subsection 10-2-402(6), of the legislative body of the county in

1542 which the area is located; and

1543 (f) designate up to five of the signers of the petition as sponsors, one of whom shall be
1544 designated as the contact sponsor, and indicate the mailing address of each sponsor.

1545 (4) A petition under Subsection (1) may not propose the annexation of all or part of an
1546 area proposed for annexation to a municipality in a previously filed petition that has not been
1547 denied, rejected, or granted.

1548 (5) A petition under Subsection (1) proposing the annexation of an area located in a
1549 county of the first class may not propose the annexation of an area that includes some or all of
1550 an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103
1551 or a petition under Section 10-2-125 if:

1552 (a) the request or petition was filed before the filing of the annexation petition; and

1553 (b) the request, a petition under Section 10-2-109 based on that request, or a petition
1554 under Section 10-2-125 is still pending on the date the annexation petition is filed.

1555 (6) If practicable and feasible, the boundaries of an area proposed for annexation shall
1556 be drawn:

1557 (a) along the boundaries of existing [~~special~~] local districts and special service districts
1558 for sewer, water, and other services, along the boundaries of school districts whose boundaries
1559 follow city boundaries or school districts adjacent to school districts whose boundaries follow
1560 city boundaries, and along the boundaries of other taxing entities;

1561 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type
1562 services;

1563 (c) to facilitate the consolidation of overlapping functions of local government;

1564 (d) to promote the efficient delivery of services; and

1565 (e) to encourage the equitable distribution of community resources and obligations.

1566 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the
1567 petition to:

1568 (a) the clerk of the county in which the area proposed for annexation is located; and

1569 (b) the chair of the planning commission of each township in which any part of the area

1570 proposed for annexation is located.

1571 (8) A property owner who signs an annexation petition proposing to annex an area
1572 located in a county of the first class may withdraw the owner's signature by filing a written
1573 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30
1574 days after the municipal legislative body's receipt of the notice of certification under
1575 Subsection 10-2-405(2)(c)(i).

1576 Section 7. Section **10-2-406** is amended to read:

1577 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

1578 (1) After receipt of the notice of certification from the city recorder or town clerk under
1579 Subsection 10-2-405(2) (c)(i), the municipal legislative body shall:

1580 (a) (i) publish a notice at least once a week for three successive weeks, beginning no
1581 later than ten days after receipt of the notice of certification, in a newspaper of general
1582 circulation within:

1583 (A) the area proposed for annexation; and

1584 (B) the unincorporated area within 1/2 mile of the area proposed for annexation; or

1585 (ii) if there is no newspaper of general circulation within those areas, post written
1586 notices in conspicuous places within those areas that are most likely to give notice to residents
1587 within those areas; and

1588 (b) within 20 days of receipt of the notice of certification under Subsection 10-2-405(2)
1589 (c)(i), mail written notice to each affected entity.

1590 (2) (a) The notice under Subsections (1)(a) and (b) shall:

1591 (i) state that a petition has been filed with the municipality proposing the annexation of
1592 an area to the municipality;

1593 (ii) state the date of the municipal legislative body's receipt of the notice of certification
1594 under Subsection 10-2-405(2) (c)(i);

1595 (iii) describe the area proposed for annexation in the annexation petition;

1596 (iv) state that the complete annexation petition is available for inspection and copying
1597 at the office of the city recorder or town clerk;

1598 (v) state in conspicuous and plain terms that the municipality may grant the petition
1599 and annex the area described in the petition unless, within the time required under Subsection
1600 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission
1601 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
1602 municipality;

1603 (vi) state the address of the commission or, if a commission has not yet been created in
1604 the county, the county clerk, where a protest to the annexation petition may be filed;

1605 (vii) state that the area proposed for annexation to the municipality will also
1606 automatically be annexed to a local district providing fire protection, paramedic, and
1607 emergency services, as provided in Section [~~17B-2-515.5~~] 17B-1-416, if:

1608 (A) the proposed annexing municipality is entirely within the boundaries of a local
1609 district:

1610 (I) that provides fire protection, paramedic, and emergency services; and

1611 (II) in the creation of which an election was not required because of Subsection
1612 [~~17B-2-214~~] 17B-1-214(3)(c); and

1613 (B) the area proposed to be annexed to the municipality is not already within the
1614 boundaries of the local district; and

1615 (viii) state that the area proposed for annexation to the municipality will be
1616 automatically withdrawn from a local district providing fire protection, paramedic, and
1617 emergency services, as provided in Subsection [~~17B-2-601~~] 17B-1-502(2), if:

1618 (A) the petition proposes the annexation of an area that is within the boundaries of a
1619 local district:

1620 (I) that provides fire protection, paramedic, and emergency services; and

1621 (II) in the creation of which an election was not required because of Subsection
1622 [~~17B-2-214~~] 17B-1-214(3)(c); and

1623 (B) the proposed annexing municipality is not within the boundaries of the local
1624 district.

1625 (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a

1626 written protest in terms of the actual date rather than by reference to the statutory citation.

1627 (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection
1628 (1)(a) for a proposed annexation of an area within a county of the first class shall include a
1629 statement that a protest to the annexation petition may be filed with the commission by
1630 property owners if it contains the signatures of the owners of private real property that:

1631 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
1632 annexation;

1633 (ii) covers at least 25% of the private land area located in the unincorporated area
1634 within 1/2 mile of the area proposed for annexation; and

1635 (iii) is equal in value to at least 15% of all real property located in the unincorporated
1636 area within 1/2 mile of the area proposed for annexation.

1637 Section 8. Section **10-2-412** is amended to read:

1638 **10-2-412. Boundary commission authority -- Expenses -- Records.**

1639 (1) The boundary commission for each county shall hear and decide, according to the
1640 provisions of this part, each protest filed under Section 10-2-407, with respect to an area that is
1641 located within that county.

1642 (2) A boundary commission may:

1643 (a) adopt and enforce rules of procedure for the orderly and fair conduct of its
1644 proceedings;

1645 (b) authorize a member of the commission to administer oaths if necessary in the
1646 performance of the commission's duties;

1647 (c) employ staff personnel and professional or consulting services reasonably necessary
1648 to enable the commission to carry out its duties; and

1649 (d) incur reasonable and necessary expenses to enable the commission to carry out its
1650 duties.

1651 (3) The legislative body of each county shall, with respect to the boundary commission
1652 in that county:

1653 (a) furnish the commission necessary quarters, equipment, and supplies;

1654 (b) pay necessary operating expenses incurred by the commission; and
1655 (c) reimburse the reasonable and necessary expenses incurred by each member
1656 appointed under Subsection 10-2-409(2)(a)(iii) or (b)(iii), unless otherwise provided by
1657 interlocal agreement.

1658 (4) Each county or municipal legislative body shall reimburse the reasonable and
1659 necessary expenses incurred by a commission member who is an elected county or municipal
1660 officer, respectively.

1661 (5) Records, information, and other relevant materials necessary to enable the
1662 commission to carry out its duties shall, upon request by the commission, be furnished to the
1663 boundary commission by the personnel, employees, and officers of:

1664 (a) for a proposed annexation of an area located in a county of the first class:
1665 (i) each county [~~and special~~], local district, and special service district whose
1666 boundaries include an area that is the subject of a protest under the commission's consideration;
1667 and

1668 (ii) each municipality whose boundaries may be affected by action of the boundary
1669 commission; or

1670 (b) for a proposed annexation of an area located in a specified county, each affected
1671 entity:

1672 (i) whose boundaries include any part of the area proposed for annexation; or

1673 (ii) that may be affected by action of the boundary commission.

1674 Section 9. Section **10-2-413** is amended to read:

1675 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**
1676 **study.**

1677 (1) (a) For a proposed annexation of an area located in a county of the first class, unless
1678 a proposed annexing municipality denies an annexation petition under Subsection
1679 10-2-407(3)(a)(i)(A) and except as provided in Subsection (1)(b), the commission shall choose
1680 and engage a feasibility consultant within 45 days of:

1681 (i) the commission's receipt of a protest under Section 10-2-407, if the commission had

1682 been created before the filing of the protest; or

1683 (ii) the commission's creation, if the commission is created after the filing of a protest.

1684 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility

1685 study with respect to a petition that proposes the annexation of an area that:

1686 (i) is undeveloped; and

1687 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private

1688 real property within the municipality.

1689 (2) The commission shall require the feasibility consultant to:

1690 (a) complete a feasibility study on the proposed annexation and submit written results

1691 of the study to the commission no later than 75 days after the feasibility consultant is engaged

1692 to conduct the study;

1693 (b) submit with the full written results of the feasibility study a summary of the results

1694 no longer than a page in length; and

1695 (c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility

1696 study results and respond to questions at that hearing.

1697 (3) (a) Subject to Subsection (4), the feasibility study shall consider:

1698 (i) the population and population density within the area proposed for annexation, the

1699 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries

1700 within 1/2 mile of the area proposed for annexation, that municipality;

1701 (ii) the geography, geology, and topography of and natural boundaries within the area

1702 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a

1703 municipality with boundaries within 1/2 mile of the area proposed for annexation, that

1704 municipality;

1705 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated

1706 island or peninsula;

1707 (iv) whether the proposed annexation will hinder or prevent a future and more logical

1708 and beneficial annexation or a future logical and beneficial incorporation;

1709 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,

1710 other municipalities, ~~special~~ local districts, special service districts, school districts, and other
1711 governmental entities;

1712 (vi) current and five-year projections of demographics and economic base in the area
1713 proposed for annexation and surrounding unincorporated area, including household size and
1714 income, commercial and industrial development, and public facilities;

1715 (vii) projected growth in the area proposed for annexation and the surrounding
1716 unincorporated area during the next five years;

1717 (viii) the present and five-year projections of the cost of governmental services in the
1718 area proposed for annexation;

1719 (ix) the present and five-year projected revenue to the proposed annexing municipality
1720 from the area proposed for annexation;

1721 (x) the projected impact the annexation will have over the following five years on the
1722 amount of taxes that property owners within the area proposed for annexation, the proposed
1723 annexing municipality, and the remaining unincorporated county will pay;

1724 (xi) past expansion in terms of population and construction in the area proposed for
1725 annexation and the surrounding unincorporated area;

1726 (xii) the extension during the past ten years of the boundaries of each other
1727 municipality near the area proposed for annexation, the willingness of the other municipality to
1728 annex the area proposed for annexation, and the probability that another municipality would
1729 annex some or all of the area proposed for annexation during the next five years if the
1730 annexation did not occur;

1731 (xiii) the history, culture, and social aspects of the area proposed for annexation and
1732 surrounding area;

1733 (xiv) the method of providing and the entity that has provided municipal-type services
1734 in the past to the area proposed for incorporation and the feasibility of municipal-type services
1735 being provided by the proposed annexing municipality; and

1736 (xv) the effect on each school district whose boundaries include part or all of the area
1737 proposed for annexation or the proposed annexing municipality.

1738 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad
1739 valorem property tax rates on residential property within the area proposed for annexation at
1740 the same level that residential property within the proposed annexing municipality would be
1741 without the annexation.

1742 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that
1743 the level and quality of governmental services that will be provided to the area proposed for
1744 annexation in the future is essentially comparable to the level and quality of governmental
1745 services being provided within the proposed annexing municipality at the time of the feasibility
1746 study.

1747 (4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth
1748 of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant
1749 in conducting the feasibility study depending upon:

- 1750 (i) the size of the area proposed for annexation;
- 1751 (ii) the size of the proposed annexing municipality;
- 1752 (iii) the extent to which the area proposed for annexation is developed;
- 1753 (iv) the degree to which the area proposed for annexation is expected to develop and
1754 the type of development expected; and
- 1755 (v) the number and type of protests filed against the proposed annexation.

1756 (b) Notwithstanding Subsection (4)(a), the commission may not modify the
1757 requirement that the feasibility consultant provide a full and complete analysis of the items
1758 listed in Subsections (3)(a)(viii), (ix), and (xv).

1759 (5) If the results of the feasibility study do not meet the requirements of Subsection
1760 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make
1761 recommendations as to how the boundaries of the area proposed for annexation may be altered
1762 so that the requirements of Subsection 10-2-416(3) may be met.

1763 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and
1764 expenses shall be shared equally by the proposed annexing municipality and each entity or
1765 group under Subsection 10-2-407(1) that files a protest.

1766 (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property
1767 owners under Subsection 10-2-407(1)(a)(ii), the county in which the area proposed for
1768 annexation shall pay the owners' share of the feasibility consultant's fees and expenses.

1769 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners
1770 file a protest, the county and the proposed annexing municipality shall equally share the
1771 property owners' share of the feasibility consultant's fees and expenses.

1772 Section 10. Section **10-2-414** is amended to read:

1773 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

1774 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of
1775 an area located in a county of the first class do not meet the requirements of Subsection
1776 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility
1777 consultant's submission of the results of the study, file with the city recorder or town clerk of
1778 the proposed annexing municipality a modified annexation petition altering the boundaries of
1779 the proposed annexation.

1780 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the
1781 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation
1782 petition to the clerk of the county in which the area proposed for annexation is located.

1783 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the
1784 requirements of Subsections 10-2-403(2), (3), and (4).

1785 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified
1786 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same
1787 procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and
1788 (3)(a) for an original annexation petition.

1789 (b) If the city recorder or town clerk certifies the modified annexation petition under
1790 Subsection 10-2-405(2)(c)(i), the city recorder or town clerk, as the case may be, shall send
1791 written notice of the certification to:

1792 (i) the commission;

1793 (ii) each entity that filed a protest to the annexation petition; and

1794 (iii) if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.

1795 (c) (i) If the modified annexation petition proposes the annexation of an area that
1796 includes part or all of a [~~special~~] local district, special service district, or school district that
1797 was not included in the area proposed for annexation in the original petition, the city recorder
1798 or town clerk, as the case may be, shall also send notice of the certification of the modified
1799 annexation petition to the board of the [~~special~~] local district, special service district, or school
1800 district.

1801 (ii) If the area proposed for annexation in the modified annexation petition is within
1802 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the
1803 area proposed for annexation in the original annexation petition, the city recorder or town
1804 clerk, as the case may be, shall also send notice of the certification of the modified annexation
1805 petition to the legislative body of that municipality.

1806 (3) Within ten days of the commission's receipt of the notice under Subsection (2)(b),
1807 the commission shall engage the feasibility consultant that conducted the feasibility study to
1808 supplement the feasibility study to take into account the information in the modified
1809 annexation petition that was not included in the original annexation petition.

1810 (4) The commission shall require the feasibility consultant to complete the
1811 supplemental feasibility study and to submit written results of the supplemental study to the
1812 commission no later than 30 days after the feasibility consultant is engaged to conduct the
1813 supplemental feasibility study.

1814 Section 11. Section **10-2-418** is amended to read:

1815 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
1816 **Hearing.**

1817 (1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an
1818 unincorporated area under this section without an annexation petition if:

1819 (i) (A) the area to be annexed consists of one or more unincorporated islands within or
1820 unincorporated peninsulas contiguous to the municipality;

1821 (B) the majority of each island or peninsula consists of residential or commercial

1822 development;

1823 (C) the area proposed for annexation requires the delivery of municipal-type services;

1824 and

1825 (D) the municipality has provided most or all of the municipal-type services to the area

1826 for more than one year; or

1827 (ii) (A) the area to be annexed consists of one or more unincorporated islands within

1828 the municipality, each of which has fewer than 500 residents; and

1829 (B) the municipality has provided one or more municipal-type services to the area for

1830 at least one year.

1831 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a

1832 portion of an island or peninsula under this section, leaving unincorporated the remainder of

1833 the unincorporated island or peninsula, if:

1834 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body

1835 determines that not annexing the entire unincorporated island or peninsula is in the

1836 municipality's best interest; and

1837 (ii) for an annexation of one or more unincorporated islands under Subsection

1838 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,

1839 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.

1840 (2) (a) The legislative body of each municipality intending to annex an area under this

1841 section shall:

1842 (i) adopt a resolution indicating the municipal legislative body's intent to annex the

1843 area, describing the area proposed to be annexed;

1844 (ii) (A) publish notice at least once a week for three successive weeks in a newspaper

1845 of general circulation within the municipality and the area proposed for annexation; or

1846 (B) if there is no newspaper of general circulation in the areas described in Subsection

1847 (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are

1848 most likely to give notice to the residents of those areas;

1849 (iii) send written notice to the board of each [~~special~~] local district and special service

1850 district whose boundaries contain some or all of the area proposed for annexation and to the
1851 legislative body of the county in which the area proposed for annexation is located; and

1852 (iv) hold a public hearing on the proposed annexation no earlier than 60 days after the
1853 adoption of the resolution under Subsection (2)(a)(i).

1854 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:

1855 (i) state that the municipal legislative body has adopted a resolution indicating its intent
1856 to annex the area proposed for annexation;

1857 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

1858 (iii) describe the area proposed for annexation; and

1859 (iv) state in conspicuous and plain terms that the municipal legislative body will annex
1860 the area unless, at or before the public hearing under Subsection (2)(a)(iv), written protests to
1861 the annexation are filed by the owners of private real property that:

1862 (A) is located within the area proposed for annexation;

1863 (B) covers a majority of the total private land area within the entire area proposed for
1864 annexation; and

1865 (C) is equal in value to at least 1/2 the value of all private real property within the
1866 entire area proposed for annexation.

1867 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be
1868 within 14 days of the municipal legislative body's adoption of a resolution under Subsection
1869 (2)(a)(i).

1870 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv) and subject
1871 to Subsection (3)(b), the municipal legislative body may adopt an ordinance annexing the area
1872 proposed for annexation under this section unless, at or before the hearing, written protests to
1873 the annexation have been filed with the city recorder or town clerk, as the case may be, by the
1874 owners of private real property that:

1875 (i) is located within the area proposed for annexation;

1876 (ii) covers:

1877 (A) for a proposed annexation under Subsection (1)(a)(i), a majority of the total private

1878 land area within the entire area proposed for annexation; or

1879 (B) for a proposed annexation under Subsection (1)(a)(ii), 10% of the total private land
1880 area within the island of unincorporated area that is proposed for annexation; and

1881 (iii) is equal in value to at least:

1882 (A) for a proposed annexation under Subsection (1)(a)(i), 1/2 the value of all private
1883 real property within the entire area proposed for annexation; or

1884 (B) for a proposed annexation under Subsection (1)(a)(ii), 10% of the value of all
1885 private real property within the island of unincorporated area that is proposed for annexation.

1886 (b) A municipal legislative body may not adopt an ordinance annexing an area
1887 proposed for annexation under Subsection (1)(a)(ii) unless the legislative body of the county in
1888 which the area proposed for annexation has previously adopted a resolution approving the
1889 annexation.

1890 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal
1891 legislative body may not adopt an ordinance annexing the area proposed for annexation, and
1892 the annexation proceedings under this section shall be considered terminated.

1893 (b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body
1894 from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an
1895 unincorporated island regarding which protests have been filed and proceeding under
1896 Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.

1897 Section 12. Section **10-2-419** is amended to read:

1898 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

1899 (1) The legislative bodies of two or more municipalities having common boundaries
1900 may adjust their common boundaries as provided in this section.

1901 (2) (a) The legislative body of each municipality intending to adjust a boundary that is
1902 common with another municipality shall:

1903 (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a
1904 common boundary;

1905 (ii) hold a public hearing on the proposed adjustment no less than 60 days after the

1906 adoption of the resolution under Subsection (2)(a)(i); and
1907 (iii) (A) publish notice at least once a week for three successive weeks in a newspaper
1908 of general circulation within the municipality; or
1909 (B) if there is no newspaper of general circulation within the municipality, post at least
1910 one notice per 1,000 population in places within the municipality that are most likely to give
1911 notice to residents of the municipality.
1912 (b) The notice required under Subsection (2)(a)(iii) shall:
1913 (i) state that the municipal legislative body has adopted a resolution indicating the
1914 municipal legislative body's intent to adjust a boundary that the municipality has in common
1915 with another municipality;
1916 (ii) describe the area proposed to be adjusted;
1917 (iii) state the date, time, and place of the public hearing required under Subsection
1918 (2)(a)(ii);
1919 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust
1920 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written
1921 protests to the adjustment are filed by the owners of private real property that:
1922 (A) is located within the area proposed for adjustment;
1923 (B) covers at least 25% of the total private land area within the area proposed for
1924 adjustment; and
1925 (C) is equal in value to at least 15% of the value of all private real property within the
1926 area proposed for adjustment; and
1927 (v) state that the area that is the subject of the boundary adjustment will, because of the
1928 boundary adjustment, be automatically annexed to a local district providing fire protection,
1929 paramedic, and emergency services, as provided in Section [~~17B-2-515.5~~] 17B-1-416, if:
1930 (A) the municipality to which the area is being added because of the boundary
1931 adjustment is entirely within the boundaries of a local district:
1932 (I) that provides fire protection, paramedic, and emergency services; and
1933 (II) in the creation of which an election was not required because of Subsection

1934 [~~17B-2-214~~] 17B-1-214(3)(c); and

1935 (B) the municipality from which the area is being taken because of the boundary
1936 adjustment is not within the boundaries of the local district; and

1937 (vi) state that the area proposed for annexation to the municipality will be
1938 automatically withdrawn from a local district providing fire protection, paramedic, and
1939 emergency services, as provided in Subsection [~~17B-2-601~~] 17B-1-502(2), if:

1940 (A) the municipality to which the area is being added because of the boundary
1941 adjustment is not within the boundaries of a local district:

1942 (I) that provides fire protection, paramedic, and emergency services; and

1943 (II) in the creation of which an election was not required because of Subsection
1944 [~~17B-2-214~~] 17B-1-214(3)(c); and

1945 (B) the municipality from which the area is being taken because of the boundary
1946 adjustment is entirely within the boundaries of the local district.

1947 (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be
1948 within 14 days of the municipal legislative body's adoption of a resolution under Subsection
1949 (2)(a)(i).

1950 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal
1951 legislative body may adopt an ordinance adjusting the common boundary unless, at or before
1952 the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with
1953 the city recorder or town clerk, as the case may be, by the owners of private real property that:

1954 (a) is located within the area proposed for adjustment;

1955 (b) covers at least 25% of the total private land area within the area proposed for
1956 adjustment; and

1957 (c) is equal in value to at least 15% of the value of all private real property within the
1958 area proposed for adjustment.

1959 (4) The municipal legislative body shall comply with the requirements of Section
1960 10-2-425 as if the boundary change were an annexation.

1961 (5) An ordinance adopted under Subsection (3) becomes effective when each

1962 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
1963 (3) and as determined under Subsection 10-2-425(5) if the boundary change were an
1964 annexation.

1965 Section 13. Section **10-2-425** is amended to read:

1966 **10-2-425. Filing of plat or map and amended articles -- Notice requirements --**
1967 **Effective date of annexation.**

1968 (1) Within 30 days after enacting an ordinance annexing an unincorporated area or
1969 adjusting a boundary under this part, the municipal legislative body shall:

1970 (a) send notice of the enactment to each affected entity;

1971 (b) file with the lieutenant governor:

1972 (i) a certified copy of the ordinance approving the annexation or boundary adjustment,
1973 together with a plat or map prepared by a licensed surveyor, approved by the municipal
1974 legislative body, and filed with the county surveyor in accordance with Section 17-23-17,
1975 showing the new boundaries of the affected area; and

1976 (ii) (A) if the municipality has articles of incorporation, amended articles of
1977 incorporation reflecting the annexation or boundary adjustment, as provided in Section
1978 10-1-117; or

1979 (B) if the municipality does not have articles of incorporation, written notice of the
1980 adoption of an annexation ordinance, accompanied by a copy of the ordinance; and

1981 (c) in accordance with Section 26-8a-414, file the documents described in Subsection
1982 (1)(b)(i) with the Department of Health.

1983 (2) If an annexation or boundary adjustment under this part also causes an automatic
1984 annexation to a local district under Section [~~17B-2-515.5~~] 17B-1-416 or an automatic
1985 withdrawal from a local district under Subsection [~~17B-2-601~~] 17B-1-502(2), the municipal
1986 legislative body shall, as soon as practicable after enacting an ordinance annexing an
1987 unincorporated area or adjusting a boundary, send notice of the annexation or boundary
1988 adjustment to the local district to which the annexed area is automatically annexed or from
1989 which the annexed area is automatically withdrawn.

1990 (3) The municipal legislative body shall comply with the notice requirements of
1991 Section 10-1-116.

1992 (4) Each notice required under Subsections (1) and (3) relating to an annexation shall
1993 state the effective date of the annexation, as determined under Subsection (5).

1994 (5) An annexation under this part is completed and takes effect:

1995 (a) for the annexation of an area located in a county of the first class:

1996 (i) July 1 following enactment of an ordinance annexing the unincorporated area if:

1997 (A) the ordinance is adopted during the preceding November 1 through April 30; and

1998 (B) the requirements of Subsection (1) are met before that July 1; or

1999 (ii) January 1 following enactment of an ordinance annexing the unincorporated area if:

2000 (A) the ordinance is adopted during the preceding May 1 through October 31; and

2001 (B) the requirements of Subsection (1) are met before that January 1; and

2002 (b) for all other annexations, the date of the lieutenant governor's issuance of:

2003 (i) a certification of amended articles under Subsection 10-1-117(3), for an annexation

2004 by a municipality that has articles of incorporation and filed with the lieutenant governor

2005 amended articles of incorporation under Subsection (1)(a)(iii)(A); or

2006 (ii) a certificate of annexation under Subsection (1)(b), for an annexation by a

2007 municipality that does not have articles of incorporation and filed with the lieutenant governor

2008 a notice of adoption of an annexation ordinance under Subsection (1)(a)(iii)(B).

2009 Section 14. Section **10-2-428** is amended to read:

2010 **10-2-428. Neither annexation nor boundary adjustment has an effect on the**
2011 **boundaries of most local districts or special service districts.**

2012 Except as provided in Section [~~17B-2-515.5~~] 17B-1-416 and Subsection [~~17B-2-601~~]
2013 17B-1-502(2), the annexation of an unincorporated area by a municipality or the adjustment of
2014 a boundary shared by municipalities does not affect the boundaries of [~~an independent special~~
2015 ~~district under Title 17A, Chapter 2, Independent Special Districts, or~~] a local district under
2016 Title 17B, [~~Chapter 2,~~] Limited Purpose Local Government Entities - Local Districts, or a
2017 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act.

2018 Section 15. Section **10-5-119** is amended to read:

2019 **10-5-119. Special fund balance -- Disposition when fund no longer required.**

2020 Whenever the necessity for maintaining any special fund of a town has ceased to exist
2021 and a balance remains in the fund, the governing body shall authorize the transfer of the
2022 balance to the fund balance account in the general fund of the town, subject to the following:

2023 (1) Any balance remaining in a special assessment fund and any unrequired balance in
2024 its special improvements guaranty fund shall be treated in the manner provided in Sections
2025 [~~17A-3-332 and 17A-3-334~~] 11-42-413 and 11-42-701;

2026 (2) Any balance remaining in a capital improvements or capital projects fund shall be
2027 transferred to the appropriate debt service fund or other fund as the bond ordinance may require
2028 and otherwise to the fund balance account in the general fund;

2029 (3) Whenever any balance held in a trust fund for a specific purpose, other than a
2030 cemetery perpetual care trust fund, is to be transferred because its original purpose or
2031 restriction has ceased to exist, a public hearing shall be held in the manner provided in Sections
2032 10-5-108 and 10-5-109. The published notice shall invite those persons who contributed to the
2033 fund to appear at the hearing. If the council determines the fund balance amounts are
2034 refundable to the original contributors, a 30-day period following the hearing shall be allowed
2035 for persons having an interest in the fund to file with the council a verified claim only for the
2036 amount of each claimant's contributions. Any claim not filed in accordance with this section
2037 shall be invalid. Any balance remaining, after refunds to eligible contributors, shall be
2038 transferred to the fund balance account in the general fund of the town; and

2039 (4) Whenever the council decides, in conformity with applicable laws and ordinances,
2040 that the need for continued maintenance of its cemetery perpetual care trust fund no longer
2041 exists, it may transfer the balance in such fund to the capital improvements fund for
2042 expenditure for land, buildings, and major improvements to be used exclusively for cemetery
2043 purposes.

2044 Section 16. Section **10-6-131** is amended to read:

2045 **10-6-131. Transfer of balances in special funds.**

2046 Whenever the necessity for maintaining any special fund of a city has ceased to exist
2047 and a balance remains in the fund, the governing body shall authorize the transfer of the
2048 balance to the fund balance account in the general fund of the city, except that:

2049 (1) Any balance remaining in a special assessment fund and any unrequired balance in
2050 its special improvements guaranty fund shall be treated in the manner provided in Sections
2051 [~~17A-3-332 and 17A-3-334~~] 11-42-413 and 11-42-701;

2052 (2) Any balance remaining in a capital improvements or capital projects fund shall be
2053 transferred to the appropriate debt service fund or other fund as the bond ordinance may require
2054 and otherwise to the fund balance account in the general fund;

2055 (3) Whenever any balance held in a trust fund for a specific purpose, other than a
2056 cemetery perpetual care trust fund, is to be transferred because its original purpose or
2057 restriction has ceased to exist, a public hearing shall be held in the manner provided in Sections
2058 10-6-113 and 10-6-114. The published notice shall invite those persons who contributed to the
2059 fund to appear at the hearing. If the governing body determines the fund balance amounts are
2060 refundable to the original contributors, a 30 day period following the hearing shall be allowed
2061 for persons having an interest in the fund to file with the governing body a verified claim only
2062 for the amount of each claimant's contributions. Any claim not so filed shall be forever barred.
2063 Any balance remaining, after refunds to eligible contributors, shall be transferred to the fund
2064 balance account in the general fund of the city; and

2065 (4) Whenever the governing body decides, in conformity with applicable laws and
2066 ordinances, that the need for continued maintenance of its cemetery perpetual care trust fund no
2067 longer exists, it may transfer the balance in such fund to the capital improvements fund for
2068 expenditure for land, buildings and major improvements to be used exclusively for cemetery
2069 purposes.

2070 Section 17. Section **10-7-14.2** is amended to read:

2071 **10-7-14.2. Special tax -- Grant of power to levy.**

2072 There is granted to the municipalities of the state not in an improvement district created
2073 for the purpose of establishing and maintaining a sewage collection, treatment, or disposal

2074 system or a system for the supply, treatment, or distribution of water pursuant to the provisions
2075 of Title ~~[17A]~~ 17B, Chapter 2, Part ~~[3;]~~ 4, Improvement District Act, in addition to all other
2076 rights of assessment, the right to levy a tax annually not to exceed .0008 per dollar of taxable
2077 value of taxable property in the municipality. The money raised by the levy shall be placed in a
2078 special fund and used only for the purpose of financing the construction of facilities to purify
2079 the drinking water of the municipality and the construction of facilities for the treatment and
2080 disposal of the sewage of the municipality, or to pay principal and interest on bonds issued for
2081 the construction of facilities if construction has actually commenced subsequent to the
2082 enactment of this statute. The municipality may accumulate from year to year and reserve in
2083 the special fund the money raised for this purpose. The levy shall be made and collected in the
2084 same manner as other property taxes are levied and collected by municipalities.

2085 Section 18. Section **10-9a-103** is amended to read:

2086 **10-9a-103. Definitions.**

2087 As used in this chapter:

2088 (1) "Affected entity" means a county, municipality, ~~[independent special district under~~
2089 ~~Title 17A, Chapter 2, Independent Special Districts,]~~ local district ~~[under Title 17B, Chapter 2,~~
2090 ~~Local Districts],~~ special service district under Title 17A, Chapter 2, Part 13, Utah Special
2091 Service District Act, school district, interlocal cooperation entity established under Title 11,
2092 Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property
2093 owners association, or the Utah Department of Transportation, if:

2094 (a) the entity's services or facilities are likely to require expansion or significant
2095 modification because of an intended use of land;

2096 (b) the entity has filed with the municipality a copy of the entity's general or long-range
2097 plan; or

2098 (c) the entity has filed with the municipality a request for notice during the same
2099 calendar year and before the municipality provides notice to an affected entity in compliance
2100 with a requirement imposed under this chapter.

2101 (2) "Appeal authority" means the person, board, commission, agency, or other body

2102 designated by ordinance to decide an appeal of a decision of a land use application or a
2103 variance.

2104 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
2105 residential property if the sign is designed or intended to direct attention to a business, product,
2106 or service that is not sold, offered, or existing on the property where the sign is located.

2107 (4) "Charter school" includes:

2108 (a) an operating charter school;

2109 (b) a charter school applicant that has its application approved by a chartering entity in
2110 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

2111 (c) an entity who is working on behalf of a charter school or approved charter applicant
2112 to develop or construct a charter school building.

2113 (5) "Chief executive officer" means the:

2114 (a) mayor in municipalities operating under all forms of municipal government except
2115 the council-manager form; or

2116 (b) city manager in municipalities operating under the council-manager form of
2117 municipal government.

2118 (6) "Conditional use" means a land use that, because of its unique characteristics or
2119 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be
2120 compatible in some areas or may be compatible only if certain conditions are required that
2121 mitigate or eliminate the detrimental impacts.

2122 (7) "Constitutional taking" means a governmental action that results in a taking of
2123 private property so that compensation to the owner of the property is required by the:

2124 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

2125 (b) Utah Constitution Article I, Section 22.

2126 (8) "Culinary water authority" means the department, agency, or public entity with
2127 responsibility to review and approve the feasibility of the culinary water system and sources for
2128 the subject property.

2129 (9) (a) "Disability" means a physical or mental impairment that substantially limits one

2130 or more of a person's major life activities, including a person having a record of such an
2131 impairment or being regarded as having such an impairment.

2132 (b) "Disability" does not include current illegal use of, or addiction to, any federally
2133 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
2134 802.

2135 (10) "Elderly person" means a person who is 60 years old or older, who desires or
2136 needs to live with other elderly persons in a group setting, but who is capable of living
2137 independently.

2138 (11) "General plan" means a document that a municipality adopts that sets forth general
2139 guidelines for proposed future development of the land within the municipality.

2140 (12) "Identical plans" means building plans submitted to a municipality that are
2141 substantially identical to building plans that were previously submitted to and reviewed and
2142 approved by the municipality and describe a building that is:

2143 (a) located on land zoned the same as the land on which the building described in the
2144 previously approved plans is located; and

2145 (b) subject to the same geological and meteorological conditions and the same law as
2146 the building described in the previously approved plans.

2147 (13) "Land use application" means an application required by a municipality's land use
2148 ordinance.

2149 (14) "Land use authority" means a person, board, commission, agency, or other body
2150 designated by the local legislative body to act upon a land use application.

2151 (15) "Land use ordinance" means a planning, zoning, development, or subdivision
2152 ordinance of the municipality, but does not include the general plan.

2153 (16) "Land use permit" means a permit issued by a land use authority.

2154 (17) "Legislative body" means the municipal council.

2155 (18) "Local district" means an entity under Title 17B, Limited Purpose Local
2156 Government Entities - Local Districts, and any other governmental or quasi-governmental
2157 entity that is not a county, municipality, school district, or unit of the state.

2158 [~~(18)~~] (19) "Lot line adjustment" means the relocation of the property boundary line in
2159 a subdivision between two adjoining lots with the consent of the owners of record.

2160 [~~(19)~~] (20) "Moderate income housing" means housing occupied or reserved for
2161 occupancy by households with a gross household income equal to or less than 80% of the
2162 median gross income for households of the same size in the county in which the city is located.

2163 [~~(20)~~] (21) "Nominal fee" means a fee that reasonably reimburses a municipality only
2164 for time spent and expenses incurred in:

- 2165 (a) verifying that building plans are identical plans; and
- 2166 (b) reviewing and approving those minor aspects of identical plans that differ from the
2167 previously reviewed and approved building plans.

2168 [~~(21)~~] (22) "Noncomplying structure" means a structure that:

- 2169 (a) legally existed before its current land use designation; and
- 2170 (b) because of one or more subsequent land use ordinance changes, does not conform
2171 to the setback, height restrictions, or other regulations, excluding those regulations, which
2172 govern the use of land.

2173 [~~(22)~~] (23) "Nonconforming use" means a use of land that:

- 2174 (a) legally existed before its current land use designation;
- 2175 (b) has been maintained continuously since the time the land use ordinance governing
2176 the land changed; and
- 2177 (c) because of one or more subsequent land use ordinance changes, does not conform
2178 to the regulations that now govern the use of the land.

2179 [~~(23)~~] (24) "Official map" means a map drawn by municipal authorities and recorded in
2180 a county recorder's office that:

- 2181 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
2182 highways and other transportation facilities;
- 2183 (b) provides a basis for restricting development in designated rights-of-way or between
2184 designated setbacks to allow the government authorities time to purchase or otherwise reserve
2185 the land; and

2186 (c) has been adopted as an element of the municipality's general plan.

2187 [~~(24)~~] (25) "Person" means an individual, corporation, partnership, organization,
2188 association, trust, governmental agency, or any other legal entity.

2189 [~~(25)~~] (26) "Plan for moderate income housing" means a written document adopted by
2190 a city legislative body that includes:

2191 (a) an estimate of the existing supply of moderate income housing located within the
2192 city;

2193 (b) an estimate of the need for moderate income housing in the city for the next five
2194 years as revised biennially;

2195 (c) a survey of total residential land use;

2196 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
2197 income housing; and

2198 (e) a description of the city's program to encourage an adequate supply of moderate
2199 income housing.

2200 [~~(26)~~] (27) "Plat" means a map or other graphical representation of lands being laid out
2201 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

2202 [~~(27)~~] (28) "Public hearing" means a hearing at which members of the public are
2203 provided a reasonable opportunity to comment on the subject of the hearing.

2204 [~~(28)~~] (29) "Public meeting" means a meeting that is required to be open to the public
2205 under Title 52, Chapter 4, Open and Public Meetings Act.

2206 [~~(29)~~] (30) "Record of survey map" means a map of a survey of land prepared in
2207 accordance with Section 17-23-17.

2208 [~~(30)~~] (31) "Residential facility for elderly persons" means a single-family or
2209 multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not
2210 include a health care facility as defined by Section 26-21-2.

2211 [~~(31)~~] (32) "Residential facility for persons with a disability" means a residence:

2212 (a) in which more than one person with a disability resides; and

2213 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,

2214 Chapter 2, Licensure of Programs and Facilities; or

2215 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
2216 Health Care Facility Licensing and Inspection Act.

2217 ~~[(32)]~~ (33) "Sanitary sewer authority" means the department, agency, or public entity
2218 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
2219 wastewater systems.

2220 ~~[(33)] "Special district" means an entity established under the authority of Title 17A,~~
2221 ~~Special Districts, and any other governmental or quasi-governmental entity that is not a county,~~
2222 ~~municipality, school district, or unit of the state.]~~

2223 (34) "Specified public utility" means an electrical corporation, gas corporation, or
2224 telephone corporation, as those terms are defined in Section 54-2-1.

2225 (35) "Street" means a public right-of-way, including a highway, avenue, boulevard,
2226 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
2227 way.

2228 (36) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be
2229 divided into two or more lots, parcels, sites, units, plots, or other division of land for the
2230 purpose, whether immediate or future, for offer, sale, lease, or development either on the
2231 installment plan or upon any and all other plans, terms, and conditions.

2232 (b) "Subdivision" includes:

2233 (i) the division or development of land whether by deed, metes and bounds description,
2234 devise and testacy, map, plat, or other recorded instrument; and

2235 (ii) except as provided in Subsection (36)(c), divisions of land for residential and
2236 nonresidential uses, including land used or to be used for commercial, agricultural, and
2237 industrial purposes.

2238 (c) "Subdivision" does not include:

2239 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
2240 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
2241 neither the resulting combined parcel nor the parcel remaining from the division or partition

2242 violates an applicable land use ordinance;

2243 (ii) a recorded agreement between owners of adjoining unsubdivided properties

2244 adjusting their mutual boundary if:

2245 (A) no new lot is created; and

2246 (B) the adjustment does not violate applicable land use ordinances;

2247 (iii) a recorded document, executed by the owner of record:

2248 (A) revising the legal description of more than one contiguous unsubdivided parcel of

2249 property into one legal description encompassing all such parcels of property; or

2250 (B) joining a subdivided parcel of property to another parcel of property that has not

2251 been subdivided, if the joinder does not violate applicable land use ordinances; or

2252 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting

2253 their mutual boundary if:

2254 (A) no new dwelling lot or housing unit will result from the adjustment; and

2255 (B) the adjustment will not violate any applicable land use ordinance.

2256 (d) The joining of a subdivided parcel of property to another parcel of property that has

2257 not been subdivided does not constitute a subdivision under this Subsection (36) as to the

2258 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's

2259 subdivision ordinance.

2260 (37) "Unincorporated" means the area outside of the incorporated area of a city or

2261 town.

2262 (38) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts

2263 land use zones, overlays, or districts.

2264 Section 19. Section **10-9a-305** is amended to read:

2265 **10-9a-305. Other entities required to conform to municipality's land use**

2266 **ordinances -- Exceptions -- School districts and charter schools.**

2267 (1) (a) Each county, municipality, school district, charter school, [~~special~~] local district,

2268 special service district, and political subdivision of the state shall conform to any applicable

2269 land use ordinance of any municipality when installing, constructing, operating, or otherwise

2270 using any area, land, or building situated within that municipality.

2271 (b) In addition to any other remedies provided by law, when a municipality's land use
2272 ordinances is violated or about to be violated by another political subdivision, that municipality
2273 may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to
2274 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

2275 (2) (a) Except as provided in Subsection (3), a school district or charter school is
2276 subject to a municipality's land use ordinances.

2277 (b) (i) Notwithstanding Subsection (3), a municipality may subject a charter school to
2278 standards within each zone pertaining to setback, height, bulk and massing regulations, off-site
2279 parking, curb cut, traffic circulation, and construction staging.

2280 (ii) The standards to which a municipality may subject a charter school under
2281 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

2282 (iii) Except as provided in Subsection (7)(d), the only basis upon which a municipality
2283 may deny or withhold approval of a charter school's land use application is the charter school's
2284 failure to comply with a standard imposed under Subsection (2)(b)(i).

2285 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an
2286 obligation to comply with a requirement of an applicable building or safety code to which it is
2287 otherwise obligated to comply.

2288 (3) A municipality may not:

2289 (a) impose requirements for landscaping, fencing, aesthetic considerations,
2290 construction methods or materials, building codes, building use for educational purposes, or the
2291 placement or use of temporary classroom facilities on school property;

2292 (b) except as otherwise provided in this section, require a school district or charter
2293 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a
2294 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school
2295 children and not located on or contiguous to school property, unless the roadway or sidewalk is
2296 required to connect an otherwise isolated school site to an existing roadway;

2297 (c) require a district or charter school to pay fees not authorized by this section;

2298 (d) provide for inspection of school construction or assess a fee or other charges for
2299 inspection, unless the school district or charter school is unable to provide for inspection by an
2300 inspector, other than the project architect or contractor, who is qualified under criteria
2301 established by the state superintendent;

2302 (e) require a school district or charter school to pay any impact fee for an improvement
2303 project that is not reasonably related to the impact of the project upon the need that the
2304 improvement is to address; or

2305 (f) impose regulations upon the location of a project except as necessary to avoid
2306 unreasonable risks to health or safety.

2307 (4) Subject to Section 53A-20-108, a school district or charter school shall coordinate
2308 the siting of a new school with the municipality in which the school is to be located, to:

2309 (a) avoid or mitigate existing and potential traffic hazards, including consideration of
2310 the impacts between the new school and future highways; and

2311 (b) to maximize school, student, and site safety.

2312 (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:

2313 (a) provide a walk-through of school construction at no cost and at a time convenient to
2314 the district or charter school; and

2315 (b) provide recommendations based upon the walk-through.

2316 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

2317 (i) a municipal building inspector;

2318 (ii) a school district building inspector; or

2319 (iii) an independent, certified building inspector who is:

2320 (A) not an employee of the contractor;

2321 (B) approved by a municipal building inspector or a school district building inspector;

2322 and

2323 (C) licensed to perform the inspection that the inspector is requested to perform.

2324 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.

2325 (c) If a school district or charter school uses an independent building inspector under

2326 Subsection (6)(a)(iii), the school district or charter school shall submit to the state
2327 superintendent of public instruction, on a monthly basis during construction of the school
2328 building, a copy of each inspection certificate regarding the school building.

2329 (7) (a) A charter school shall be considered a permitted use in all zoning districts
2330 within a municipality.

2331 (b) Each land use application for any approval required for a charter school, including
2332 an application for a building permit, shall be processed on a first priority basis.

2333 (c) Parking requirements for a charter school may not exceed the minimum parking
2334 requirements for schools or other institutional public uses throughout the municipality.

2335 (d) If a municipality has designated zones for a sexually oriented business, or a
2336 business which sells alcohol, a charter school may be prohibited from a location which would
2337 otherwise defeat the purpose for the zone unless the charter school provides a waiver.

2338 (e) (i) A school district or a charter school may seek a certificate authorizing permanent
2339 occupancy of a school building from:

2340 (A) the state superintendent of public instruction, as provided in Subsection
2341 53A-20-104(3), if the school district or charter school used an independent building inspector
2342 for inspection of the school building; or

2343 (B) a municipal official with authority to issue the certificate, if the school district or
2344 charter school used a municipal building inspector for inspection of the school building.

2345 (ii) A school district may issue its own certificate authorizing permanent occupancy of
2346 a school building if it used its own building inspector for inspection of the school building,
2347 subject to the notification requirement of Subsection 53A-20-104(3)(a)(ii).

2348 (iii) A charter school may seek a certificate authorizing permanent occupancy of a
2349 school building from a school district official with authority to issue the certificate, if the
2350 charter school used a school district building inspector for inspection of the school building.

2351 (iv) A certificate authorizing permanent occupancy issued by the state superintendent
2352 of public instruction under Subsection 53A-20-104(3) or a school district official with authority
2353 to issue the certificate shall be considered to satisfy any municipal requirement for an

2354 inspection or a certificate of occupancy.

2355 Section 20. Section **11-2-1** is amended to read:

2356 **11-2-1. Local authorities may designate and acquire property for playgrounds**
2357 **and recreational facilities.**

2358 The governing body of any city, town, school district, [~~special~~] local district, special
2359 service district, or county may designate and set apart for use as playgrounds, athletic fields,
2360 gymnasiums, public baths, swimming pools, camps, indoor recreation centers, television
2361 transmission and relay facilities, or other recreational facilities, any lands, buildings or personal
2362 property owned by such cities, towns, counties, [~~special~~] local districts, special service districts,
2363 or school districts that may be suitable for such purposes; and may, in such manner as may be
2364 authorized and provided by law for the acquisition of lands or buildings for public purposes in
2365 such cities, towns, counties, [~~special~~] local districts, special service districts, and school
2366 districts, acquire lands, buildings, and personal property therein for such use; and may equip,
2367 maintain, operate and supervise the same, employing such play leaders, recreation directors,
2368 supervisors and other employees as it may deem proper. Such acquisition of lands, buildings
2369 and personal property and the equipping, maintaining, operating and supervision of the same
2370 shall be deemed to be for public, governmental and municipal purposes.

2371 Section 21. Section **11-13-103** is amended to read:

2372 **11-13-103. Definitions.**

2373 As used in this chapter:

2374 (1) "Additional project capacity" means electric generating capacity provided by a
2375 generating unit that first produces electricity on or after May 6, 2002 and that is constructed or
2376 installed at or adjacent to the site of a project that first produced electricity before May 6, 2002,
2377 regardless of whether:

2378 (a) the owners of the new generating unit are the same as or different from the owner of
2379 the project; and

2380 (b) the purchasers of electricity from the new generating unit are the same as or
2381 different from the purchasers of electricity from the project.

2382 (2) "Board" means the Permanent Community Impact Fund Board created by Section
2383 9-4-304, and its successors.

2384 (3) "Candidate" means one or more of:

2385 (a) the state;

2386 (b) a county, municipality, school district, [~~special~~] local district, special service
2387 district, or other political subdivision of the state; and

2388 (c) a prosecution district.

2389 (4) "Commercial project entity" means a project entity, defined in Subsection (12),
2390 that:

2391 (a) has no taxing authority; and

2392 (b) is not supported in whole or in part by and does not expend or disburse tax
2393 revenues.

2394 (5) "Direct impacts" means an increase in the need for public facilities or services that
2395 is attributable to the project or facilities providing additional project capacity, except impacts
2396 resulting from the construction or operation of a facility that is:

2397 (a) owned by an owner other than the owner of the project or of the facilities providing
2398 additional project capacity; and

2399 (b) used to furnish fuel, construction, or operation materials for use in the project.

2400 (6) "Electric interlocal entity" means an interlocal entity described in Subsection
2401 11-13-203(3).

2402 (7) "Energy services interlocal entity" means an interlocal entity that is described in
2403 Subsection 11-13-203(4).

2404 (8) (a) "Estimated electric requirements," when used with respect to a qualified energy
2405 services interlocal entity, includes any of the following that meets the requirements of
2406 Subsection (8)(b):

2407 (i) generation capacity;

2408 (ii) generation output; or

2409 (iii) an electric energy production facility.

2410 (b) An item listed in Subsection (8)(a) is included in "estimated electric requirements"
2411 if it is needed by the qualified energy services interlocal entity to perform the qualified energy
2412 services interlocal entity's contractual or legal obligations to any of its members.

2413 (9) "Interlocal entity" means:

2414 (a) a Utah interlocal entity, an electric interlocal entity, or an energy services interlocal
2415 entity; or

2416 (b) a separate legal or administrative entity created under Section 11-13-205.

2417 (10) "Out-of-state public agency" means a public agency as defined in Subsection
2418 (13)(c), (d), or (e).

2419 (11) (a) "Project":

2420 (i) means an electric generation and transmission facility owned by a Utah interlocal
2421 entity or an electric interlocal entity; and

2422 (ii) includes fuel or fuel transportation facilities and water facilities owned by that Utah
2423 interlocal entity or electric interlocal entity and required for the generation and transmission
2424 facility.

2425 (b) "Project" includes a project entity's ownership interest in:

2426 (i) facilities that provide additional project capacity; and

2427 (ii) additional generating, transmission, fuel, fuel transportation, water, or other
2428 facilities added to a project.

2429 (12) "Project entity" means a Utah interlocal entity or an electric interlocal entity that
2430 owns a project.

2431 (13) "Public agency" means:

2432 (a) a city, town, county, school district, ~~special~~ local district, special service district,
2433 or other political subdivision of the state;

2434 (b) the state or any department, division, or agency of the state;

2435 (c) any agency of the United States;

2436 (d) any political subdivision or agency of another state or the District of Columbia
2437 including any interlocal cooperation or joint powers agency formed under the authority of the

2438 law of the other state or the District of Columbia; and

2439 (e) any Indian tribe, band, nation, or other organized group or community which is
2440 recognized as eligible for the special programs and services provided by the United States to
2441 Indians because of their status as Indians.

2442 (14) "Qualified energy services interlocal entity" means an energy services interlocal
2443 entity that at the time that the energy services interlocal entity acquires its interest in facilities
2444 providing additional project capacity has at least five members that are Utah public agencies.

2445 (15) "Utah interlocal entity":

2446 (a) means an interlocal entity described in Subsection 11-13-203(2); and

2447 (b) includes a separate legal or administrative entity created under Chapter 47, Laws of
2448 Utah 1977, Section 3, as amended.

2449 (16) "Utah public agency" means a public agency under Subsection (13)(a) or (b).

2450 Section 22. Section **11-14-102** is amended to read:

2451 **11-14-102. Definitions.**

2452 For the purpose of this chapter:

2453 (1) "Bond" means any bond authorized to be issued under this chapter, including
2454 municipal bonds.

2455 (2) "Election results" has the same meaning as defined in Section 20A-1-102.

2456 (3) "Governing body" means:

2457 (a) for a county, city, or town, the legislative body of the county, city, or town;

2458 (b) for ~~[an independent special district or]~~ a local district, the board of trustees of the
2459 ~~[independent special district or]~~ local district;

2460 (c) for a school district, the local board of education; or

2461 (d) for a special service district under Title 17A, Chapter 2, Part 13, Utah Special
2462 Service District Act:

2463 (i) the governing body of the county or municipality that created the special service
2464 district, if no administrative control board has been established under Section 17A-2-1326; or

2465 (ii) the administrative control board, if one has been established under Section

2466 17A-2-1326 and the power to issue bonds not payable from taxes has been delegated to the
2467 administrative control board.

2468 ~~[(4) "Independent special district" means a district operating under Title 17A, Chapter~~
2469 ~~2, Independent Special Districts.]~~

2470 ~~[(5)] (4)~~ "Local district" means a district operating under Title 17B, ~~[Chapter 2,]~~
2471 Limited Purpose Local Government Entities - Local Districts.

2472 ~~[(6)] (5)~~ (a) "Local political subdivision" means a county, city, town, school district,
2473 ~~[independent special district, or] local district, or special service district.~~

2474 (b) "Local political subdivision" does not include the state and its institutions.

2475 Section 23. Section **11-14-301** is amended to read:

2476 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**
2477 **under constitutional and statutory limitations.**

2478 (1) If the governing body has declared the bond proposition to have carried and no
2479 contest has been filed, or if a contest has been filed and favorably terminated, the governing
2480 body may proceed to issue the bonds voted at the election.

2481 (2) It is not necessary that all of the bonds be issued at one time, but bonds approved by
2482 the voters may not be issued more than ten years after the date of the election.

2483 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause
2484 the indebtedness of the local political subdivision to exceed that permitted by the Utah
2485 Constitution or statutes.

2486 (b) In computing the amount of indebtedness that may be incurred pursuant to
2487 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,
2488 as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102,
2489 of the taxable property in the local political subdivision, as computed from the last applicable
2490 equalized assessment ~~[rolls for state and county purposes prior to]~~ roll before the incurring of
2491 the additional indebtedness~~[-, except that in the case of cities the last equalized assessment rolls~~
2492 ~~for city purposes shall be controlling].~~

2493 (c) In determining the fair market value of the taxable property in the local political

2494 subdivision as provided in this section, the value of all tax equivalent property, as defined in
2495 Section 59-3-102, shall be included as a part of the total fair market value of taxable property
2496 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property
2497 Act.

2498 (4) Bonds of improvement districts issued in a manner that they are payable solely
2499 from the revenues to be derived from the operation of the facilities of the district may not be
2500 included as bonded indebtedness for the purposes of the computation.

2501 (5) Where bonds are issued by a city, town, or county payable solely from revenues
2502 derived from the operation of revenue-producing facilities of the city, town, or county, or
2503 payable solely from a special fund into which are deposited excise taxes levied and collected by
2504 the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the
2505 city, town, or county, or any combination of those excise taxes, the bonds shall be included as
2506 bonded indebtedness of the city, town, or county only to the extent required by the Utah
2507 Constitution, and any bonds not so required to be included as bonded indebtedness of the city,
2508 town, or county need not be authorized at an election, except as otherwise provided by the Utah
2509 Constitution, the bonds being hereby expressly excluded from the election requirement of
2510 Section 11-14-201.

2511 (6) A bond election is not void when the amount of bonds authorized at the election
2512 exceeded the limitation applicable to the local political subdivision at the time of holding the
2513 election, but the bonds may be issued from time to time in an amount within the applicable
2514 limitation at the time the bonds are issued.

2515 Section 24. Section **11-14a-1** is amended to read:

2516 **11-14a-1. Notice of debt issuance.**

2517 (1) For purposes of this chapter:

2518 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,
2519 and contracts with municipal building authorities.

2520 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

2521 (b) (i) "Local government entity" means a county, city, town, school district, [or

2522 ~~special~~ local district, or special service district.

2523 (ii) "Local government entity" does not mean an entity created by an interlocal
2524 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over
2525 \$10,000,000.

2526 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly
2527 or partially to fund a rejected project.

2528 (d) "Rejected Project" means a project for which a local government entity sought
2529 voter approval for general obligation bond financing and failed to receive that approval.

2530 (2) Unless a local government entity complies with the requirements of this section, it
2531 may not adopt a new debt resolution.

2532 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2533 (i) advertise its intent to issue debt in a newspaper of general circulation; or

2534 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least
2535 95% of the residents of the local government entity.

2536 (b) (i) The local government entity shall ensure that the advertisement is published at
2537 least once each week for the two weeks before the meeting at which the resolution will be
2538 considered on no less than a 1/4 page or a 5 x 7 inch advertisement with type size no smaller
2539 than 18 point and surrounded by a 1/4 inch border.

2540 (ii) The local government entity shall ensure that the notice:

2541 (A) is at least as large as the bill or other mailing that it accompanies;

2542 (B) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and

2543 (C) contains the information required by Subsection (3)(c).

2544 (c) The local government entity shall ensure that the advertisement or notice:

2545 (i) identifies the local government entity;

2546 (ii) states that the entity will meet on a day, time, and place identified in the
2547 advertisement or notice to hear public comments regarding a resolution authorizing the
2548 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;

2549 (iii) contains:

2550 (A) the name of the entity that will issue the debt;
2551 (B) the purpose of the debt; and
2552 (C) that type of debt and the maximum principal amount that may be issued;
2553 (iv) invites all concerned citizens to attend the public hearing; and
2554 (v) states that some or all of the proposed debt would fund a project whose general
2555 obligation bond financing was rejected by the voters.

2556 (4) (a) The resolution considered at the hearing shall identify:

2557 (i) the type of debt proposed to be issued;
2558 (ii) the maximum principal amount that might be issued;
2559 (iii) the interest rate;
2560 (iv) the term of the debt; and
2561 (v) how the debt will be repaid.

2562 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the
2563 hearing need not be in final form and need not be adopted or rejected at the meeting at which
2564 the public hearing is held.

2565 (ii) The local government entity may not, in the final resolution, increase the maximum
2566 principal amount of debt contained in the notice and discussed at the hearing.

2567 (c) The local government entity may adopt, amend and adopt, or reject the resolution at
2568 a later meeting without recomplying with the published notice requirements of this section.

2569 Section 25. Section **11-27-2** is amended to read:

2570 **11-27-2. Definitions.**

2571 As used in this chapter:

2572 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of
2573 refunding outstanding bonds in advance of their maturity.

2574 (2) "Assessments" means a special tax levied against property within a special
2575 improvement district to pay all or a portion of the costs of making improvements in the district.

2576 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,
2577 special improvement bond, or refunding bond.

2578 (4) "General obligation bond" means any bond, note, warrant, certificate of
2579 indebtedness, or other obligation of a public body payable in whole or in part from revenues
2580 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any
2581 applicable constitutional or statutory debt limitation.

2582 (5) "Governing body" means the council, commission, county legislative body, board
2583 of directors, board of trustees, board of education, board of regents, or other legislative body of
2584 a public body designated in this chapter that is vested with the legislative powers of the public
2585 body, and, with respect to the state, the State Bonding Commission created by Section
2586 63B-1-201.

2587 (6) "Government obligations" means:

2588 (a) direct obligations of the United States of America, or other securities, the principal
2589 of and interest on which are unconditionally guaranteed by the United States of America; or

2590 (b) obligations of any state, territory, or possession of the United States, or of any of
2591 the political subdivisions of any state, territory, or possession of the United States, or of the
2592 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.

2593 (7) "Issuer" means the public body issuing any bond or bonds.

2594 (8) "Public body" means the state or any agency, authority, instrumentality, or
2595 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,
2596 agency, school district, ~~special~~ local district, special service district, or other governmental
2597 entity now or hereafter existing under the laws of the state.

2598 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the
2599 purpose of refunding outstanding bonds.

2600 (10) "Resolution" means a resolution of the governing body of a public body taking
2601 formal action under this chapter.

2602 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or
2603 other obligation for the payment of money issued by a public body or any predecessor of any
2604 public body and that is payable from designated revenues not derived from ad valorem taxes or
2605 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all

2606 of the following:

2607 (a) any obligation constituting an indebtedness within the meaning of any applicable
2608 constitutional or statutory debt limitation;

2609 (b) any obligation issued in anticipation of the collection of taxes, where the entire
2610 issue matures not later than one year from the date of the issue; and

2611 (c) any special improvement bond.

2612 (12) "Special improvement bond" means any bond, note, warrant, certificate of
2613 indebtedness, or other obligation of a public body or any predecessor of any public body that is
2614 payable from assessments levied on benefitted property and from any special improvement
2615 guaranty fund.

2616 (13) "Special improvement guaranty fund" means any special improvement guaranty
2617 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
2618 Title 17A, Chapter 3, Part 2, County Improvement Districts Act; or any predecessor or similar
2619 statute.

2620 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,
2621 or other obligation of a public body issued under authority of [~~Title 17A, Chapter 2, Part 16,~~
2622 ~~Great Salt Lake Development Authority, or any similar statutes, including~~] Title 17C, Limited
2623 Purpose Local Government Entities - Community Development and Renewal Agencies.

2624 Section 26. Section **11-30-2** is amended to read:

2625 **11-30-2. Definitions.**

2626 As used in this chapter:

2627 (1) "Attorney general" means the attorney general of the state or one of his assistants.

2628 (2) "Bonds" means any evidence or contract of indebtedness that is issued or
2629 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
2630 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
2631 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
2632 obligations of the issuing public body or are payable solely from a specified source, including,
2633 but not limited to, annual appropriations by the public body.

2634 (3) "County attorney" means the county attorney of a county or one of his assistants.

2635 (4) "Lease" means any lease agreement, lease purchase agreement, and installment
2636 purchase agreement, and any certificate of interest or participation in any of the foregoing.
2637 Reference in this chapter to issuance of bonds includes execution and delivery of leases.

2638 (5) "Person" means any person, association, corporation, or other entity.

2639 (6) "Public body" means the state or any agency, authority, instrumentality, or
2640 institution of the state, or any county, municipality, quasi-municipal corporation, school
2641 district, ~~[special]~~ local district, special service district, political subdivision, or other
2642 governmental entity existing under the laws of the state, whether or not possessed of any taxing
2643 power. With respect to leases, public body, as used in this chapter, refers to the public body
2644 which is the lessee, or is otherwise the obligor with respect to payment under any such leases.

2645 (7) "Refunding bonds" means any bonds that are issued to refund outstanding bonds,
2646 including both refunding bonds and advance refunding bonds.

2647 (8) "State" means the state of Utah.

2648 (9) "Validity" means any matter relating to the legality and validity of the bonds and
2649 the security therefor, including, without limitation, the legality and validity of:

2650 (a) a public body's authority to issue and deliver the bonds;

2651 (b) any ordinance, resolution, or statute granting the public body authority to issue and
2652 deliver the bonds;

2653 (c) all proceedings, elections, if any, and any other actions taken or to be taken in
2654 connection with the issuance, sale, or delivery of the bonds;

2655 (d) the purpose, location, or manner of the expenditure of funds;

2656 (e) the organization or boundaries of the public body;

2657 (f) any assessments, taxes, rates, rentals, fees, charges, or tolls levied or that may be
2658 levied in connection with the bonds;

2659 (g) any lien, proceeding, or other remedy for the collection of those assessments, taxes,
2660 rates, rentals, fees, charges, or tolls;

2661 (h) any contract or lease executed or to be executed in connection with the bonds;

2662 (i) the pledge of any taxes, revenues, receipts, rentals, or property, or encumbrance
2663 thereon or security interest therein to secure the bonds; and

2664 (j) any covenants or provisions contained in or to be contained in the bonds. If any
2665 deed, will, statute, resolution, ordinance, lease, indenture, contract, franchise, or other
2666 instrument may have an effect on any of the aforementioned, validity also means a declaration
2667 of the validity and legality thereof and of rights, status, or other legal relations arising
2668 therefrom.

2669 Section 27. Section **11-31-2** is amended to read:

2670 **11-31-2. Definitions.**

2671 As used in this chapter:

2672 (1) "Bonds" means any evidence or contract of indebtedness that is issued or
2673 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
2674 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
2675 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
2676 obligations of the issuing public body or are payable solely from a specified source, including,
2677 but not limited to, annual appropriations by the public body.

2678 (2) "Legislative body" means, with respect to any action to be taken by a public body
2679 with respect to bonds, the board, commission, council, agency, or other similar body authorized
2680 by law to take legislative action on behalf of the public body, and in the case of the state, the
2681 Legislature, the state treasurer, the commission created under Section 63B-1-201, and any other
2682 entities the Legislature designates.

2683 (3) "Public body" means the state and any public department, public agency, or other
2684 public entity existing under the laws of the state, including, without limitation, any agency,
2685 authority, instrumentality, or institution of the state, and any county, city, town, municipal
2686 corporation, quasi-municipal corporation, state university or college, school district, special
2687 service district [~~or other special~~], local district, [~~improvement district, water conservancy~~
2688 ~~district, metropolitan water district, drainage district, irrigation district, fire protection district,~~]
2689 separate legal or administrative entity created under the Interlocal Cooperation Act or other

2690 joint agreement entity, [~~redevelopment~~] community development and renewal agency, and any
2691 other political subdivision, public authority, public agency, or public trust existing under the
2692 laws of the state.

2693 Section 28. Section **11-34-1** is amended to read:

2694 **11-34-1. Definitions.**

2695 As used in this chapter:

2696 (1) "Bonds" means any evidence or contract of indebtedness that is issued or
2697 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
2698 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
2699 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
2700 obligations of the issuing public body or are payable solely from a specified source, including,
2701 but not limited to, annual appropriations by the public body.

2702 (2) "Public body" means the state and any public department, public agency, or other
2703 public entity existing under the laws of the state, including, without limitation, any agency,
2704 authority, instrumentality, or institution of the state, and any county, city, town, municipal
2705 corporation, quasi-municipal corporation, state university or college, school district, special
2706 service district [~~or other special~~], local district, [~~improvement district, water conservancy~~
2707 ~~district, metropolitan water district, drainage district, irrigation district, fire protection district,~~]
2708 separate legal or administrative entity created under the Interlocal Cooperation Act or other
2709 joint agreement entity, [~~redevelopment~~] community development and renewal agency, and any
2710 other political subdivision, public authority, public agency, or public trust existing under the
2711 laws of this state.

2712 Section 29. Section **11-36-102** is amended to read:

2713 **11-36-102. Definitions.**

2714 As used in this chapter:

2715 (1) "Building permit fee" means the fees charged to enforce the uniform codes adopted
2716 pursuant to Title 58, Chapter 56, Utah Uniform Building Standards Act, that are not greater
2717 than the fees indicated in the appendix to the International Building Code.

- 2718 (2) "Capital facilities plan" means the plan required by Section 11-36-201.
- 2719 (3) "Development activity" means any construction or expansion of a building,
2720 structure, or use, any change in use of a building or structure, or any changes in the use of land
2721 that creates additional demand and need for public facilities.
- 2722 (4) "Development approval" means any written authorization from a local political
2723 subdivision that authorizes the commencement of development activity.
- 2724 (5) "Enactment" means:
- 2725 (a) a municipal ordinance, for municipalities;
- 2726 (b) a county ordinance, for counties; and
- 2727 (c) a governing board resolution, for ~~special~~ local districts or special service districts.
- 2728 (6) "Hookup fees" means reasonable fees, not in excess of the approximate average
2729 costs to the political subdivision, for services provided for and directly attributable to the
2730 connection to utility services, including gas, water, sewer, power, or other municipal, county,
2731 ~~[or independent special]~~ local district, or special service district utility services.
- 2732 (7) (a) "Impact fee" means a payment of money imposed upon development activity as
2733 a condition of development approval.
- 2734 (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a
2735 hookup fee, a fee for project improvements, or other reasonable permit or application fee.
- 2736 (8) (a) "Local political subdivision" means a county, a municipality, ~~[or a special]~~ a
2737 local district ~~[created]~~ under Title ~~[17A, Special Districts]~~ 17B, Limited Purpose Local
2738 Government Entities - Local Districts, or a special service district under Title 17A, Chapter 2,
2739 Part 13, Utah Special Service District Act.
- 2740 (b) "Local political subdivision" does not mean school districts, whose impact fee
2741 activity is governed by Section 53A-20-100.5.
- 2742 (9) "Private entity" means an entity with private ownership that provides culinary water
2743 that is required to be used as a condition of development.
- 2744 (10) (a) "Project improvements" means site improvements and facilities that are:
- 2745 (i) planned and designed to provide service for development resulting from a

2746 development activity; and

2747 (ii) necessary for the use and convenience of the occupants or users of development
2748 resulting from a development activity.

2749 (b) "Project improvements" does not mean system improvements.

2750 (11) "Proportionate share" means the cost of public facility improvements that are
2751 roughly proportionate and reasonably related to the service demands and needs of any
2752 development activity.

2753 (12) "Public facilities" means only the following capital facilities that have a life
2754 expectancy of ten or more years and are owned or operated by or on behalf of a local political
2755 subdivision or private entity:

2756 (a) water rights and water supply, treatment, and distribution facilities;

2757 (b) wastewater collection and treatment facilities;

2758 (c) storm water, drainage, and flood control facilities;

2759 (d) municipal power facilities;

2760 (e) roadway facilities;

2761 (f) parks, recreation facilities, open space, and trails; and

2762 (g) public safety facilities.

2763 (13) (a) "Public safety facility" means:

2764 (i) a building constructed or leased to house police, fire, or other public safety entities;

2765 or

2766 (ii) a fire suppression vehicle with a ladder reach of at least 75 feet, costing in excess of
2767 \$1,250,000, that is necessary for fire suppression in commercial areas with one or more
2768 buildings at least five stories high.

2769 (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary
2770 incarceration.

2771 (14) (a) "Roadway facilities" means streets or roads that have been designated on an
2772 officially adopted subdivision plat, roadway plan, or general plan of a political subdivision,
2773 together with all necessary appurtenances.

2774 (b) "Roadway facilities" includes associated improvements to federal or state roadways
2775 only when the associated improvements:

- 2776 (i) are necessitated by the new development; and
- 2777 (ii) are not funded by the state or federal government.

2778 (c) "Roadway facilities" does not mean federal or state roadways.

2779 (15) (a) "Service area" means a geographic area designated by a local political
2780 subdivision on the basis of sound planning or engineering principles in which a defined set of
2781 public facilities provide service within the area.

2782 (b) "Service area" may include the entire local political subdivision.

2783 (16) (a) "System improvements" means:

2784 (i) existing public facilities that are designed to provide services to service areas within
2785 the community at large; and

2786 (ii) future public facilities identified in a capital facilities plan that are intended to
2787 provide services to service areas within the community at large.

2788 (b) "System improvements" does not mean project improvements.

2789 Section 30. Section **11-36-201** is amended to read:

2790 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**
2791 **Summary -- Exemptions.**

2792 (1) (a) Each local political subdivision and private entity shall comply with the
2793 requirements of this chapter before establishing or modifying any impact fee.

2794 (b) A local political subdivision may not:

- 2795 (i) establish any new impact fees that are not authorized by this chapter; or
- 2796 (ii) impose or charge any other fees as a condition of development approval unless
2797 those fees are a reasonable charge for the service provided.

2798 (c) Notwithstanding any other requirements of this chapter, each local political
2799 subdivision shall ensure that each existing impact fee that is charged for any public facility not
2800 authorized by Subsection 11-36-102(12) is repealed by July 1, 1995.

2801 (d) (i) Existing impact fees for public facilities authorized in Subsection 11-36-102(12)

2802 that are charged by local political subdivisions need not comply with the requirements of this
2803 chapter until July 1, 1997.

2804 (ii) By July 1, 1997, each local political subdivision shall:

2805 (A) review any impact fees in existence as of the effective date of this act, and prepare
2806 and approve the analysis required by this section for each of those impact fees; and

2807 (B) ensure that the impact fees comply with the requirements of this chapter.

2808 (2) (a) Before imposing impact fees, each local political subdivision shall prepare a
2809 capital facilities plan.

2810 (b) (i) As used in this Subsection (2)(b):

2811 (A) (I) "Affected entity" means each county, municipality, [~~independent special district~~
2812 ~~under Title 17A, Chapter 2, Independent Special Districts;~~] local district under Title 17B,
2813 [~~Chapter 2;~~] Limited Purpose Local Government Entities - Local Districts, special service
2814 district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, school district,
2815 interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and
2816 specified public utility:

2817 (Aa) whose services or facilities are likely to require expansion or significant
2818 modification because of the facilities proposed in the proposed capital facilities plan; or

2819 (Bb) that has filed with the local political subdivision or private entity a copy of the
2820 general or long-range plan of the county, municipality, [~~independent special district;~~] local
2821 district, special service district, school district, interlocal cooperation entity, or specified public
2822 utility.

2823 (II) "Affected entity" does not include the local political subdivision or private entity
2824 that is required under this Subsection (2) to provide notice.

2825 (B) "Specified public utility" means an electrical corporation, gas corporation, or
2826 telephone corporation, as those terms are defined in Section 54-2-1.

2827 (ii) Before preparing a capital facilities plan for facilities proposed on land located
2828 within a county of the first or second class, each local political subdivision and each private
2829 entity shall provide written notice, as provided in this Subsection (2)(b), of its intent to prepare

2830 a capital facilities plan.

2831 (iii) Each notice under Subsection (2)(b)(ii) shall:

2832 (A) indicate that the local political subdivision or private entity intends to prepare a
2833 capital facilities plan;

2834 (B) describe or provide a map of the geographic area where the proposed capital
2835 facilities will be located;

2836 (C) be sent to:

2837 (I) each county in whose unincorporated area and each municipality in whose
2838 boundaries is located the land on which the proposed facilities will be located;

2839 (II) each affected entity;

2840 (III) the Automated Geographic Reference Center created in Section 63F-1-506;

2841 (IV) the association of governments, established pursuant to an interlocal agreement
2842 under Title 11, Chapter 13, Interlocal Cooperation Act, in which the facilities are proposed to
2843 be located; and

2844 (V) the state planning coordinator appointed under Section 63-38d-202; and

2845 (D) with respect to the notice to affected entities, invite the affected entities to provide
2846 information for the local political subdivision or private entity to consider in the process of
2847 preparing, adopting, and implementing a capital facilities plan concerning:

2848 (I) impacts that the facilities proposed in the capital facilities plan may have on the
2849 affected entity; and

2850 (II) facilities or uses of land that the affected entity is planning or considering that may
2851 conflict with the facilities proposed in the capital facilities plan.

2852 (c) The plan shall identify:

2853 (i) demands placed upon existing public facilities by new development activity; and

2854 (ii) the proposed means by which the local political subdivision will meet those
2855 demands.

2856 (d) Municipalities and counties need not prepare a separate capital facilities plan if the
2857 general plan required by Sections 10-9a-401 and 17-27a-401 contains the elements required by

2858 Subsection (2)(c).

2859 (e) (i) If a local political subdivision prepares an independent capital facilities plan
2860 rather than including a capital facilities element in the general plan, the local political
2861 subdivision shall, before adopting the capital facilities plan:

2862 (A) give public notice of the plan according to this Subsection (2)(e);

2863 (B) at least 14 days before the date of the public hearing:

2864 (I) make a copy of the plan, together with a summary designed to be understood by a
2865 lay person, available to the public; and

2866 (II) place a copy of the plan and summary in each public library within the local
2867 political subdivision; and

2868 (C) hold a public hearing to hear public comment on the plan.

2869 (ii) Municipalities shall comply with the notice and hearing requirements of, and,
2870 except as provided in Subsection 11-36-401(4)(f), receive the protections of Sections
2871 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2).

2872 (iii) Counties shall comply with the notice and hearing requirements of, and, except as
2873 provided in Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and
2874 17-27a-801 and Subsection 17-27a-502(2).

2875 (iv) ~~[Special]~~ Local districts, special service districts, and private entities shall comply
2876 with the notice and hearing requirements of, and receive the protections of, Section
2877 ~~[17A-1-203]~~ 17B-1-111.

2878 (v) Nothing contained in this Subsection (2)(e) or in the subsections referenced in
2879 Subsections (2)(e)(ii) and (iii) may be construed to require involvement by a planning
2880 commission in the capital facilities planning process.

2881 (f) (i) Local political subdivisions with a population or serving a population of less
2882 than 5,000 as of the last federal census need not comply with the capital facilities plan
2883 requirements of this part, but shall ensure that the impact fees imposed by them are based upon
2884 a reasonable plan.

2885 (ii) Subsection (2)(f)(i) does not apply to private entities.

2886 (3) In preparing the plan, each local political subdivision shall generally consider all
2887 revenue sources, including impact fees, to finance the impacts on system improvements.

2888 (4) A local political subdivision may only impose impact fees on development
2889 activities when its plan for financing system improvements establishes that impact fees are
2890 necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the
2891 future, in comparison to the benefits already received and yet to be received.

2892 (5) (a) Each local political subdivision imposing impact fees shall prepare a written
2893 analysis of each impact fee that:

2894 (i) identifies the impact on system improvements required by the development activity;

2895 (ii) demonstrates how those impacts on system improvements are reasonably related to
2896 the development activity;

2897 (iii) estimates the proportionate share of the costs of impacts on system improvements
2898 that are reasonably related to the new development activity; and

2899 (iv) based upon those factors and the requirements of this chapter, identifies how the
2900 impact fee was calculated.

2901 (b) In analyzing whether or not the proportionate share of the costs of public facilities
2902 are reasonably related to the new development activity, the local political subdivision shall
2903 identify, if applicable:

2904 (i) the cost of existing public facilities;

2905 (ii) the manner of financing existing public facilities, such as user charges, special
2906 assessments, bonded indebtedness, general taxes, or federal grants;

2907 (iii) the relative extent to which the newly developed properties and the other
2908 properties in the municipality have already contributed to the cost of existing public facilities,
2909 by such means as user charges, special assessments, or payment from the proceeds of general
2910 taxes;

2911 (iv) the relative extent to which the newly developed properties and the other
2912 properties in the municipality will contribute to the cost of existing public facilities in the
2913 future;

2914 (v) the extent to which the newly developed properties are entitled to a credit because
2915 the municipality is requiring their developers or owners, by contractual arrangement or
2916 otherwise, to provide common facilities, inside or outside the proposed development, that have
2917 been provided by the municipality and financed through general taxation or other means, apart
2918 from user charges, in other parts of the municipality;

2919 (vi) extraordinary costs, if any, in servicing the newly developed properties; and

2920 (vii) the time-price differential inherent in fair comparisons of amounts paid at
2921 different times.

2922 (c) Each local political subdivision that prepares a written analysis under this
2923 Subsection (5) on or after July 1, 2000 shall also prepare a summary of the written analysis,
2924 designed to be understood by a lay person.

2925 (6) Each local political subdivision that adopts an impact fee enactment under Section
2926 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit
2927 to each public library within the local political subdivision:

2928 (a) a copy of the written analysis required by Subsection (5)(a); and

2929 (b) a copy of the summary required by Subsection (5)(c).

2930 (7) Nothing in this chapter may be construed to repeal or otherwise eliminate any
2931 impact fee in effect on the effective date of this chapter that is pledged as a source of revenues
2932 to pay bonded indebtedness that was incurred before the effective date of this chapter.

2933 Section 31. Section **11-36-202** is amended to read:

2934 **11-36-202. Impact fees -- Enactment -- Required provisions.**

2935 (1) (a) Each local political subdivision wishing to impose impact fees shall pass an
2936 impact fee enactment.

2937 (b) The impact fee imposed by that enactment may not exceed the highest fee justified
2938 by the impact fee analysis performed pursuant to Section 11-36-201.

2939 (c) In calculating the impact fee, each local political subdivision may include:

2940 (i) the construction contract price;

2941 (ii) the cost of acquiring land, improvements, materials, and fixtures;

2942 (iii) the cost for planning, surveying, and engineering fees for services provided for and
2943 directly related to the construction of the system improvements; and

2944 (iv) debt service charges, if the political subdivision might use impact fees as a revenue
2945 stream to pay the principal and interest on bonds, notes, or other obligations issued to finance
2946 the costs of the system improvements.

2947 (d) In calculating an impact fee, a local political subdivision may not include an
2948 expense for overhead unless the expense is calculated pursuant to a methodology that is
2949 consistent with:

2950 (i) generally accepted cost accounting practices; and

2951 (ii) the methodological standards set forth by the federal Office of Management and
2952 Budget for federal grant reimbursement.

2953 (e) In calculating an impact fee, each local political subdivision shall base amounts
2954 calculated under Subsection (1)(c) on realistic estimates, and the assumptions underlying those
2955 estimates shall be disclosed in the impact fee analysis.

2956 (f) In enacting an impact fee enactment:

2957 (i) municipalities shall:

2958 (A) make a copy of the impact fee enactment available to the public at least 14 days
2959 before the date of the public hearing; and

2960 (B) comply with the notice and hearing requirements of, and, except as provided in
2961 Subsection 11-36-401(4)(f), receive the protections of Sections 10-9a-205 and 10-9a-801;

2962 (ii) counties shall:

2963 (A) make a copy of the impact fee enactment available to the public at least 14 days
2964 before the date of the public hearing; and

2965 (B) comply with the notice and hearing requirements of, and, except as provided in
2966 Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and 17-27a-801;

2967 and

2968 (iii) ~~special~~ local districts and special service districts shall:

2969 (A) make a copy of the impact fee enactment available to the public at least 14 days

2970 before the date of the public hearing; and

2971 (B) comply with the notice and hearing requirements of, and receive the protections of,
2972 Section [~~17A-1-203~~] 17B-1-111.

2973 (g) Nothing contained in Subsection (1)(f) or in the subsections referenced in
2974 Subsections (1)(f)(i)(B) and (ii)(B) may be construed to require involvement by a planning
2975 commission in the impact fee enactment process.

2976 (2) The local political subdivision shall ensure that the impact fee enactment contains:

2977 (a) a provision establishing one or more service areas within which it shall calculate
2978 and impose impact fees for various land use categories;

2979 (b) either:

2980 (i) a schedule of impact fees for each type of development activity that specifies the
2981 amount of the impact fee to be imposed for each type of system improvement; or

2982 (ii) the formula that the local political subdivision will use to calculate each impact fee;

2983 (c) a provision authorizing the local political subdivision to adjust the standard impact
2984 fee at the time the fee is charged to:

2985 (i) respond to unusual circumstances in specific cases; and

2986 (ii) ensure that the impact fees are imposed fairly; and

2987 (d) a provision governing calculation of the amount of the impact fee to be imposed on
2988 a particular development that permits adjustment of the amount of the fee based upon studies
2989 and data submitted by the developer.

2990 (3) The local political subdivision may include a provision in the impact fee enactment
2991 that:

2992 (a) exempts low income housing and other development activities with broad public
2993 purposes from impact fees and establishes one or more sources of funds other than impact fees
2994 to pay for that development activity;

2995 (b) imposes an impact fee for public facility costs previously incurred by a local
2996 political subdivision to the extent that new growth and development will be served by the
2997 previously constructed improvement; and

2998 (c) allows a credit against impact fees for any dedication of land for, improvement to,
2999 or new construction of, any system improvements provided by the developer if the facilities:

3000 (i) are identified in the capital facilities plan; and

3001 (ii) are required by the local political subdivision as a condition of approving the
3002 development activity.

3003 (4) Except as provided in Subsection (3)(b), the local political subdivision may not
3004 impose an impact fee to cure deficiencies in public facilities serving existing development.

3005 (5) Notwithstanding the requirements and prohibitions of this chapter, a local political
3006 subdivision may impose and assess an impact fee for environmental mitigation when:

3007 (a) the local political subdivision has formally agreed to fund a Habitat Conservation
3008 Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec 1531, et seq.
3009 or other state or federal environmental law or regulation;

3010 (b) the impact fee bears a reasonable relationship to the environmental mitigation
3011 required by the Habitat Conservation Plan; and

3012 (c) the legislative body of the local political subdivision adopts an ordinance or
3013 resolution:

3014 (i) declaring that an impact fee is required to finance the Habitat Conservation Plan;

3015 (ii) establishing periodic sunset dates for the impact fee; and

3016 (iii) requiring the legislative body to:

3017 (A) review the impact fee on those sunset dates;

3018 (B) determine whether or not the impact fee is still required to finance the Habitat
3019 Conservation Plan; and

3020 (C) affirmatively reauthorize the impact fee if the legislative body finds that the impact
3021 fee must remain in effect.

3022 (6) Each political subdivision shall ensure that any existing impact fee for
3023 environmental mitigation meets the requirements of Subsection (5) by July 1, 1995.

3024 (7) Notwithstanding any other provision of this chapter:

3025 (a) a municipality imposing impact fees to fund fire trucks as of the effective date of

3026 this act may impose impact fees for fire trucks until July 1, 1997; and

3027 (b) an impact fee to pay for a public safety facility that is a fire suppression vehicle
3028 may not be imposed with respect to land that has a zoning designation other than commercial.

3029 (8) Notwithstanding any other provision of this chapter, a local political subdivision
3030 may impose and collect impact fees on behalf of a school district if authorized by Section
3031 53A-20-100.5.

3032 Section 32. Section **11-36-501** is amended to read:

3033 **11-36-501. Private entity assessment of impact fees -- Notice and hearing -- Audit.**

3034 (1) A private entity may only impose a charge for public facilities as a condition of
3035 development approval by imposing an impact fee. A private entity shall comply with the
3036 requirements of this chapter before imposing an impact fee.

3037 (2) Except as otherwise specified in this chapter, a private entity is subject to the same
3038 requirements of this chapter as a local political subdivision.

3039 (3) Where notice and hearing requirements are specified, a private entity shall comply
3040 with the notice and hearing requirements for ~~[special]~~ local districts.

3041 (4) A private entity that assesses an impact fee under this chapter is subject to the audit
3042 requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions,
3043 Interlocal Organizations, and Other Local Entities Act.

3044 Section 33. Section **11-39-101** is amended to read:

3045 **11-39-101. Definitions.**

3046 As used in this chapter:

3047 (1) "Bid limit" means:

3048 (a) for a building improvement:

3049 (i) for the year 2003, \$40,000; and

3050 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
3051 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
3052 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
3053 year; and

3054 (b) for a public works project:
3055 (i) for the year 2003, \$125,000; and
3056 (ii) for each year after 2003, the amount of the bid limit for the previous year, plus an
3057 amount calculated by multiplying the amount of the bid limit for the previous year by the lesser
3058 of 3% or the actual percent change in the Consumer Price Index during the previous calendar
3059 year.

3060 (2) "Building improvement":

3061 (a) means the construction or repair of a public building or structure; and

3062 (b) does not include construction or repair at an international airport.

3063 (3) "Consumer Price Index" means the Consumer Price Index for All Urban

3064 Consumers as published by the Bureau of Labor Statistics of the United States Department of
3065 Labor.

3066 (4) "Design-build project":

3067 (a) means a building improvement or public works project costing over \$250,000 with
3068 respect to which both the design and construction are provided for in a single contract with a
3069 contractor or combination of contractors capable of providing design-build services; and

3070 (b) does not include a building improvement or public works project:

3071 (i) that is undertaken by a local entity under contract with a construction manager that
3072 guarantees the contract price and is at risk for any amount over the contract price; and

3073 (ii) each component of which is competitively bid.

3074 (5) "Design-build services" means the engineering, architectural, and other services
3075 necessary to formulate and implement a design-build project, including its actual construction.

3076 (6) "Emergency repairs" means a building improvement or public works project
3077 undertaken on an expedited basis to:

3078 (a) eliminate an imminent risk of damage to or loss of public or private property;

3079 (b) remedy a condition that poses an immediate physical danger; or

3080 (c) reduce a substantial, imminent risk of interruption of an essential public service.

3081 [~~(7) "Independent special district" means an independent special district under Title~~

3082 ~~17A, Chapter 2, Independent Special Districts, excluding a special service district under Title~~
3083 ~~17A, Chapter 2, Part 13, Utah Special Service District Act.]~~

3084 (7) "Governing body" means:

3085 (a) for a county, city, or town, the legislative body of the county, city, or town;

3086 (b) for a local district, the board of trustees of the local district; and

3087 (c) for a special service district:

3088 (i) the legislative body of the county, city, or town that established the special service
3089 district, if no administrative control board has been appointed under Section 17A-2-1326; or

3090 (ii) the administrative control board of the special service district, if an administrative
3091 control board has been appointed under Section 17A-2-1326.

3092 (8) "Local district" has the same meaning as defined in Section [~~17B-2-101~~]
3093 17B-1-102.

3094 (9) "Local entity" means a county, city, town, [~~special district, or~~] local district, or
3095 special service district.

3096 (10) "Lowest responsive responsible bidder" means a prime contractor who:

3097 (a) has submitted a bid in compliance with the invitation to bid and within the
3098 requirements of the plans and specifications for the building improvement or public works
3099 project;

3100 (b) is the lowest bidder that satisfies the local entity's criteria relating to financial
3101 strength, past performance, integrity, reliability, and other factors that the local entity uses to
3102 assess the ability of a bidder to perform fully and in good faith the contract requirements;

3103 (c) has furnished a bid bond or equivalent in money as a condition to the award of a
3104 prime contract; and

3105 (d) furnishes a payment and performance bond as required by law.

3106 (11) "Procurement code" means the provisions of Title 63, Chapter 56, Utah
3107 Procurement Code.

3108 (12) "Public works project":

3109 (a) means the construction of:

3110 (i) a park or recreational facility; or
 3111 (ii) a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or
 3112 flood control; and

3113 (b) does not include:

3114 (i) the replacement or repair of existing infrastructure on private property;
 3115 (ii) construction commenced before June 1, 2003; and
 3116 (iii) construction or repair at an international airport.

3117 [~~(13) "Special district" has the same meaning as defined in Section 17A-1-101.~~]

3118 (13) "Special service district" means a special service district under Title 17A, Chapter
 3119 2, Part 13, Utah Special Service District Act.

3120 Section 34. Section **11-39-103** is amended to read:

3121 **11-39-103. Requirements for undertaking a building improvement or public**
 3122 **works project -- Request for bids -- Authority to reject bids.**

3123 (1) If the estimated cost of the building improvement or public works project exceeds
 3124 the bid limit, the local entity shall, if it determines to proceed with the building improvement or
 3125 public works project:

3126 (a) request bids for completion of the building improvement or public works project
 3127 by:

3128 (i) publishing notice at least twice in a newspaper published or of general circulation in
 3129 the local entity at least five days before opening the bids; or

3130 (ii) if there is no newspaper published or of general circulation in the local entity,
 3131 posting notice at least five days before opening the bids in at least five public places in the
 3132 local entity and leaving the notice posted for at least three days; and

3133 (b) except as provided in Subsection (3), enter into a contract for the completion of the
 3134 building improvement or public works project with:

3135 (i) the lowest responsive responsible bidder; or

3136 (ii) for a design-build project that the local entity began formulating before March 1,
 3137 2004 and with respect to which a contract is entered into before September 1, 2004, a

3138 responsible bidder that:

3139 (A) offers design-build services; and

3140 (B) satisfies the local entity's criteria relating to financial strength, past performance,
3141 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder
3142 to perform fully and in good faith the contract requirements for a design-build project.

3143 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject
3144 any or all bids submitted.

3145 (b) (i) The cost of a building improvement or public works project may not be divided
3146 to avoid:

3147 (A) exceeding the bid limit; and

3148 (B) subjecting the local entity to the requirements of this section.

3149 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a
3150 building improvement or public works project that would, without dividing, exceed the bid
3151 limit if the local entity complies with the requirements of this section with respect to each part
3152 of the building improvement or public works project that results from dividing the cost.

3153 (3) (a) The local entity may reject any or all bids submitted.

3154 (b) If the local entity rejects all bids submitted but still intends to undertake the
3155 building improvement or public works project, the local entity shall again request bids by
3156 following the procedure provided in Subsection (1)(a).

3157 (c) If, after twice requesting bids by following the procedure provided in Subsection
3158 (1)(a), the local entity determines that no satisfactory bid has been submitted, the [legislative]
3159 governing body may undertake the building improvement or public works project as it
3160 considers appropriate.

3161 Section 35. Section **11-39-107** is amended to read:

3162 **11-39-107. Procurement code.**

3163 (1) This chapter may not be construed to:

3164 (a) prohibit a county legislative body from adopting the procedures of the procurement
3165 code; or

3166 (b) limit the application of the procurement code to a [~~special district or~~] local district
3167 or special service district.

3168 (2) (a) In seeking bids and awarding a contract for a building improvement or public
3169 works project, a county legislative body may elect to follow the provisions of the procurement
3170 code, as the county legislative body considers appropriate under the circumstances, for
3171 specification preparation, source selection, or contract formation.

3172 (b) A county legislative body's election to adopt the procedures of the procurement
3173 code may not excuse the county from complying with the requirements to award a contract for
3174 work in excess of the bid limit and to publish notice of the intent to award.

3175 (c) An election under Subsection (2)(a) may be made on a case-by-case basis, unless
3176 the county has previously adopted the procurement code as permitted by Subsection
3177 63-56-102(3)(e).

3178 (d) The county legislative body shall:

3179 (i) make each election under Subsection (2)(a) in an open meeting; and

3180 (ii) specify in its action the portions of the procurement code to be followed.

3181 (3) If the estimated cost of the building improvement or public works project proposed
3182 by a [~~special district or~~] local district or special service district exceeds the bid limit, the
3183 [~~legislative~~] governing body of the [~~special district or~~] local district or special service district
3184 may, if it determines to proceed with the building improvement or public works project, use the
3185 competitive procurement procedures of the procurement code in place of the comparable
3186 provisions of this chapter.

3187 Section 36. Section **11-40-101** is amended to read:

3188 **11-40-101. Definitions.**

3189 As used in this chapter:

3190 (1) "Applicant" means a person who seeks employment with a public water utility,
3191 either as an employee or as an independent contractor, and who, after employment, would, in
3192 the judgment of the public water utility, be in a position to affect the safety or security of the
3193 publicly owned treatment works or public water system or to affect the safety or well-being of

3194 patrons of the public water utility.

3195 (2) "Division" means the Criminal Investigation and Technical Services Division of the
3196 Department of Public Safety, established in Section 53-10-103.

3197 (3) "Independent contractor":

3198 (a) means an engineer, contractor, consultant, or supplier who designs, constructs,
3199 operates, maintains, repairs, replaces, or provides water treatment or conveyance facilities or
3200 equipment, or related control or security facilities or equipment, to the public water utility; and

3201 (b) includes the employees and agents of the engineer, contractor, consultant, or
3202 supplier.

3203 (4) "Person seeking access" means a person who seeks access to a public water utility's
3204 public water system or publicly owned treatment works and who, after obtaining access, would,
3205 in the judgment of the public water utility, be in a position to affect the safety or security of the
3206 publicly owned treatment works or public water system or to affect the safety or well-being of
3207 patrons of the public water utility.

3208 (5) "Publicly owned treatment works" has the same meaning as defined in Section
3209 19-5-102.

3210 (6) "Public water system" has the same meaning as defined in Section 19-4-102.

3211 (7) "Public water utility" means a county, city, town, [~~independent special district~~
3212 ~~under Title 17A, Chapter 2, Independent Special Districts,~~] local district under Title 17B,
3213 Chapter [~~2,~~] 1, Provisions Applicable to All Local Districts, special service district under Title
3214 17A, Chapter 2, Part 13, Utah Special Service District Act, or other political subdivision of the
3215 state that operates publicly owned treatment works or a public water system.

3216 Section 37. Section **11-42-101** is enacted to read:

3217 **CHAPTER 42. ASSESSMENT AREA ACT**

3218 **Part 1. General Provisions**

3219 **11-42-101. Title.**

3220 This chapter is known as the "Assessment Area Act."

3221 Section 38. Section **11-42-102** is enacted to read:

3222 **11-42-102. Definitions.**

3223 (1) "Adequate protests" means timely filed, written protests under Section 11-42-203
3224 that represent at least 50% of the frontage, area, taxable value, fair market value, lots, number
3225 of connections, or equivalent residential units of the property proposed to be assessed,
3226 according to the same assessment method by which the assessment is proposed to be levied,
3227 after eliminating:

3228 (a) protests relating to:

3229 (i) property that has been deleted from a proposed assessment area; or

3230 (ii) an improvement that has been deleted from the proposed improvements to be
3231 provided to property within the proposed assessment area; and

3232 (b) protests that have been withdrawn under Subsection 11-42-203(3).

3233 (2) "Assessment area" means an area, or, if more than one area is designated, the
3234 aggregate of all areas within a local entity's jurisdictional boundaries that is designated by a
3235 local entity under Part 2, Designating an Assessment Area, for the purpose of financing the
3236 costs of improvements, operation and maintenance, or economic promotion activities that
3237 benefit property within the area.

3238 (3) "Assessment bonds" means bonds that are:

3239 (a) issued under Section 11-42-605; and

3240 (b) payable in part or in whole from assessments levied in an assessment area,
3241 improvement revenues, and a guaranty fund or reserve fund.

3242 (4) "Assessment fund" means a special fund that a local entity establishes under
3243 Section 11-42-412.

3244 (5) "Assessment lien" means a lien on property within an assessment area that arises
3245 from the levy of an assessment, as provided in Section 11-42-501.

3246 (6) "Assessment method" means the method by which an assessment is levied against
3247 property, whether by frontage, area, taxable value, fair market value, lot, number of
3248 connections, equivalent residential unit, or any combination of these methods.

3249 (7) "Assessment ordinance" means an ordinance adopted by a local entity under

3250 Section 11-42-404 that levies an assessment on benefitted property within an assessment area.

3251 (8) "Assessment resolution" means a resolution adopted by a local entity under Section
3252 11-42-404 that levies an assessment on benefitted property within an assessment area.

3253 (9) "Benefitted property" means property within an assessment area that benefits from
3254 improvements, operation and maintenance, or economic promotion activities.

3255 (10) "Bond anticipation notes" means notes issued under Section 11-42-602 in
3256 anticipation of the issuance of assessment bonds.

3257 (11) "Bonds" means assessment bonds and refunding assessment bonds.

3258 (12) "Commercial area" means an area in which at least 75% of the property is devoted
3259 to the interchange of goods or commodities.

3260 (13) "Connection fee" means a fee charged by a local entity to pay for the costs of
3261 connecting property to a publicly owned sewer, water, gas, telecommunications, or electrical
3262 system, whether or not improvements are installed on the property.

3263 (14) "Contract price" means:

3264 (a) the cost of acquiring an improvement, if the improvement is acquired; or

3265 (b) the amount payable to one or more contractors for the design, engineering,
3266 inspection, and construction of an improvement.

3267 (15) "Designation ordinance" means an ordinance adopted by a local entity under
3268 Section 11-42-206 designating an assessment area.

3269 (16) "Designation resolution" means a resolution adopted by a local entity under
3270 Section 11-42-206 designating an assessment area.

3271 (17) "Economic promotion activities" means activities that promote economic growth
3272 in a commercial area of a local entity, including:

3273 (a) sponsoring festivals and markets;

3274 (b) promoting business investment;

3275 (c) helping to coordinate public and private actions; and

3276 (d) developing and issuing publications designed to improve the economic well-being
3277 of the commercial area.

3278 (18) "Equivalent residential unit" means a dwelling, unit, or development that is equal
3279 to a single-family residence in terms of the nature of its use or impact on an improvement to be
3280 provided in the assessment area.

3281 (19) "Governing body" means:

3282 (a) for a county, city, or town, the legislative body of the county, city, or town;

3283 (b) for a local district, the board of trustees of the local district; and

3284 (c) for a special service district:

3285 (i) the legislative body of the county, city, or town that established the special service
3286 district, if no administrative control board has been appointed under Section 17A-2-1326; or

3287 (ii) the administrative control board of the special service district, if an administrative
3288 control board has been appointed under Section 17A-2-1326.

3289 (20) "Guaranty fund" means the fund established by a local entity under Section
3290 11-42-701.

3291 (21) "Improved property" means property proposed to be assessed within an
3292 assessment area upon which a residential, commercial, or other building has been built.

3293 (22) "Improvement" means any publicly owned infrastructure, system, or other facility
3294 that:

3295 (a) a local entity is authorized to provide; or

3296 (b) the governing body of a local entity determines is necessary or convenient to enable
3297 the local entity to provide a service that the local entity is authorized to provide.

3298 (23) "Improvement revenues":

3299 (a) means charges, fees, impact fees, or other revenues that a local entity receives from
3300 improvements; and

3301 (b) does not include revenue from assessments.

3302 (24) "Incidental refunding costs" means any costs of issuing refunding assessment
3303 bonds and calling, retiring, or paying prior bonds, including:

3304 (a) legal and accounting fees;

3305 (b) charges of fiscal agents, escrow agents, and trustees;

- 3306 (c) underwriting discount costs, printing costs, the costs of giving notice;
- 3307 (d) any premium necessary in the calling or retiring of prior bonds;
- 3308 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to
- 3309 refund the outstanding prior bonds;
- 3310 (f) any other costs that the governing body determines are necessary or desirable to
- 3311 incur in connection with the issuance of refunding assessment bonds; and
- 3312 (g) any interest on the prior bonds that is required to be paid in connection with the
- 3313 issuance of the refunding assessment bonds.
- 3314 (25) "Installment payment date" means the date on which an installment payment of an
- 3315 assessment is payable.
- 3316 (26) "Interim warrant" means a warrant issued by a local entity under Section
- 3317 11-42-601.
- 3318 (27) "Jurisdictional boundaries" means:
- 3319 (a) for a county, the boundaries of the unincorporated area of the county; and
- 3320 (b) for each other local entity, the boundaries of the local entity.
- 3321 (28) "Local district" means a local district under Title 17B, Limited Purpose Local
- 3322 Government Entities - Local Districts.
- 3323 (29) "Local entity" means a county, city, town, special service district, or local district.
- 3324 (30) "Local entity obligations" means assessment bonds, refunding assessment bonds,
- 3325 interim warrants, and bond anticipation notes issued by a local entity.
- 3326 (31) "Mailing address" means:
- 3327 (a) a property owner's last-known address using the name and address appearing on the
- 3328 last completed real property assessment roll of the county in which the property is located; and
- 3329 (b) if the property is improved property:
- 3330 (i) the property's street number; or
- 3331 (ii) the post office box, rural route number, or other mailing address of the property, if
- 3332 a street number has not been assigned.
- 3333 (32) "Net improvement revenues" means all improvement revenues that a local entity

3334 has received since the last installment payment date, less all amounts payable by the local entity
3335 from those improvement revenues for operation and maintenance costs.

3336 (33) "Operation and maintenance costs" means the costs that a local entity incurs in
3337 operating and maintaining improvements in an assessment area, including service charges,
3338 administrative costs, ongoing maintenance charges, and tariffs or other charges for electrical,
3339 water, gas, or other utility usage.

3340 (34) "Optional facilities":

3341 (a) means facilities in an assessment area that:

3342 (i) can be conveniently installed at the same time as improvements in the assessment
3343 area; and

3344 (ii) are requested by a property owner on whose property or for whose benefit the
3345 improvements are being installed; and

3346 (b) includes private driveways, irrigation ditches, and water turnouts.

3347 (35) "Overhead costs" means the actual costs incurred or the estimated costs to be
3348 incurred by a local entity in connection with an assessment area for appraisals, legal fees, filing
3349 fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and paying
3350 agent fees, publishing and mailing costs, costs of levying an assessment, recording costs, and
3351 all other incidental costs.

3352 (36) "Prior bonds" means the assessment bonds that are refunded in part or in whole by
3353 refunding assessment bonds.

3354 (37) "Prior assessment ordinance" means the ordinance levying the assessments from
3355 which the prior bonds are payable.

3356 (38) "Prior assessment resolution" means the resolution levying the assessments from
3357 which the prior bonds are payable.

3358 (39) "Project engineer" means the surveyor or engineer employed by or private
3359 consulting engineer engaged by a local entity to perform the necessary engineering services for
3360 and to supervise the construction or installation of the improvements.

3361 (40) "Property" includes real property and any interest in real property, including water

3362 rights, leasehold rights, and personal property related to the property.

3363 (41) "Property price" means the price at which a local entity purchases or acquires by
3364 eminent domain property to make improvements in an assessment area.

3365 (42) "Provide" or "providing," with reference to an improvement, includes the
3366 acquisition, construction, reconstruction, renovation, maintenance, repair, operation, and
3367 expansion of an improvement.

3368 (43) "Public agency" means:

3369 (a) the state or any agency, department, or division of the state; and

3370 (b) a political subdivision of the state.

3371 (44) "Reduced payment obligation" means the full obligation of an owner of property
3372 within an assessment area to pay an assessment levied on the property after the assessment has
3373 been reduced because of the issuance of refunding assessment bonds, as provided in Section
3374 11-42-608.

3375 (45) "Refunding assessment bonds" means assessment bonds that a local entity issues
3376 under Section 11-42-607 to refund, in part or in whole, assessment bonds.

3377 (46) "Reserve fund" means a fund established by a local entity under Section
3378 11-42-702.

3379 (47) "Service" means water, sewer, garbage collection, library, recreation, or electric
3380 service, economic promotion activities, or any other service that a local entity is required or
3381 authorized to provide.

3382 (48) "Special service district" means a special service district under Title 17A, Chapter
3383 2, Part 13, Utah Special Service District Act.

3384 (49) "Unimproved property" means property upon which no residential, commercial, or
3385 other building has been built.

3386 (50) "Voluntary assessment area" means an assessment area that contains only property
3387 whose owners have voluntarily consented to an assessment.

3388 Section 39. Section **11-42-103** is enacted to read:

3389 **11-42-103. Limit on effect of this chapter.**

3390 Nothing in this chapter may be construed to authorize a local entity to provide an
3391 improvement or service that the local entity is not otherwise authorized to provide.

3392 Section 40. Section **11-42-104** is enacted to read:

3393 **11-42-104. Waiver by property owners -- Requirements.**

3394 (1) The owners of property to be assessed within an assessment area may waive:

3395 (a) the prepayment period under Subsection 11-42-411(6);

3396 (b) a procedure that a local entity is required to follow to:

3397 (i) designate an assessment area; or

3398 (ii) levy an assessment; or

3399 (c) a period to contest a local entity action.

3400 (2) Each waiver under this section shall:

3401 (a) be in writing;

3402 (b) be signed by all the owners of property to be assessed within the assessment area;

3403 (c) describe the prepayment period, procedure, or contest period being waived;

3404 (d) state that the owners waive the prepayment period, procedure, or contest period;

3405 and

3406 (e) state that the owners consent to the local entity taking the required action to waive
3407 the prepayment period, procedure, or contest period.

3408 Section 41. Section **11-42-105** is enacted to read:

3409 **11-42-105. No limitation on other local entity powers -- Conflict with other**
3410 **statutory provisions.**

3411 (1) This chapter may not be construed to limit a power that a local entity has under
3412 other applicable law to:

3413 (a) make an improvement or provide a service;

3414 (b) create a district;

3415 (c) levy an assessment or tax; or

3416 (d) issue bonds or refunding bonds.

3417 (2) If there is a conflict between a provision of this chapter and any other statutory

3418 provision, the provision of this chapter governs.

3419 Section 42. Section **11-42-106** is enacted to read:

3420 **11-42-106. Action to contest assessment or proceeding -- Requirements --**

3421 **Exclusive remedy -- Bonds and assessment incontestable.**

3422 (1) A person who contests an assessment or any proceeding to designate an assessment
3423 area or levy an assessment may commence a civil action against the local entity to set aside a
3424 proceeding or enjoin the levy or collection of an assessment.

3425 (2) (a) Each action under Subsection (1) shall be commenced in the district court with
3426 jurisdiction in the county in which the assessment area is located.

3427 (b) An action under Subsection (1) may not be commenced against and a summons
3428 relating to the action may not be served on the local entity more than 30 days after the effective
3429 date of the assessment resolution or ordinance or, in the case of an amendment, the amended
3430 resolution or ordinance.

3431 (3) (a) An action under this section is the exclusive remedy of a person who claims an
3432 error or irregularity in an assessment or in any proceeding to designate an assessment area or
3433 levy an assessment.

3434 (b) A court may not hear any complaint that a person was authorized to make but did
3435 not make in a protest under Section 11-42-203 or at a hearing under Section 11-42-204.

3436 (4) An assessment or a proceeding to designate an assessment area or to levy an
3437 assessment may not be declared invalid or set aside in part or in whole because of an error or
3438 irregularity that does not go to the equity or justice of the assessment or proceeding.

3439 (5) After the expiration of the 30-day period referred to in Subsection (2)(b):

3440 (a) assessment bonds and refunding assessment bonds issued or to be issued with
3441 respect to an assessment area and assessments levied on property in the assessment area
3442 become at that time incontestable against all persons who have not commenced an action and
3443 served a summons as provided in this section; and

3444 (b) a suit to enjoin the issuance or payment of assessment bonds or refunding
3445 assessment bonds, the levy, collection, or enforcement of an assessment, or to attack or

3446 question in any way the legality of assessment bonds, refunding assessment bonds, or an
3447 assessment may not be commenced, and a court may not inquire into those matters.

3448 Section 43. Section **11-42-107** is enacted to read:

3449 **11-42-107. Accepting donation or contribution.**

3450 A local entity may accept any donation or contribution from any source for the payment
3451 or the making of an improvement in an assessment area.

3452 Section 44. Section **11-42-108** is enacted to read:

3453 **11-42-108. Utility connections before paving or repaving is done -- Failure to**
3454 **make connection.**

3455 (1) The governing body may require:

3456 (a) that before paving or repaving is done within an assessment area, all water, gas,
3457 sewer, and underground electric and telecommunications connections be made under the
3458 regulations and at the distances from the street mains to the line of the property abutting on the
3459 street to be paved or repaved that the local entity prescribes by resolution or ordinance; and

3460 (b) the water company owning the water pipe main, the gas company owning the gas
3461 pipe main, and the electric or telecommunications company owning the underground electric or
3462 telecommunications facilities to make the connections.

3463 (2) Upon the failure of a water company, gas company, or electric or
3464 telecommunications company to make a required connection:

3465 (a) the local entity may cause the connection to be made; and

3466 (b) (i) the cost that the local entity incurs in making the connection shall be deducted
3467 from the amount of any debt the local entity owes to the company; and

3468 (ii) the local entity may not pay a bill from the company until all the cost has been
3469 offset as provided in Subsection (2)(b)(i).

3470 Section 45. Section **11-42-109** is enacted to read:

3471 **11-42-109. Severability.**

3472 A court's invalidation of any provision of this chapter may not be considered to affect
3473 the validity of any other provision of this chapter.

3474 Section 46. Section **11-42-201** is enacted to read:

3475 **Part 2. Designating an Assessment Area**

3476 **11-42-201. Resolution or ordinance designating an assessment area -- Zones**
3477 **within an assessment area -- Preconditions to adoption of a resolution or ordinance.**

3478 (1) (a) Subject to the requirements of this part, a local entity intending to levy an
3479 assessment on property to pay some or all of the cost of providing improvements benefitting
3480 the property, performing operation and maintenance benefitting the property, or conducting
3481 economic promotion activities benefitting the property may adopt a resolution or ordinance
3482 designating an assessment area.

3483 (b) A designation resolution or ordinance may divide the assessment area into zones to
3484 allow the governing body to levy a different level of assessment or to use a different
3485 assessment method in each zone to reflect more fairly the benefits that property within the
3486 different zones is expected to receive because of the proposed improvement, operation and
3487 maintenance, or economic promotion activities.

3488 (c) The boundaries of a proposed assessment area may include property that is not
3489 intended to be assessed.

3490 (2) Before adopting a designation resolution or ordinance, the governing body of the
3491 local entity shall:

3492 (a) give notice as provided in Section 11-42-202;

3493 (b) receive and consider all protests filed under Section 11-42-203; and

3494 (c) hold a public hearing as provided in Section 11-42-204.

3495 Section 47. Section **11-42-202** is enacted to read:

3496 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
3497 **designation.**

3498 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

3499 (a) state that the local entity proposes to:

3500 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
3501 assessment area;

- 3502 (ii) provide an improvement to property within the proposed assessment area; and
- 3503 (iii) finance some or all of the cost of improvements by an assessment on benefitted
- 3504 property within the assessment area;
- 3505 (b) describe the proposed assessment area by any reasonable method that allows an
- 3506 owner of property in the proposed assessment area to determine that the owner's property is
- 3507 within the proposed assessment area;
- 3508 (c) describe, in a general way, the improvements to be provided to the assessment area,
- 3509 including:
- 3510 (i) the general nature of the improvements; and
- 3511 (ii) the general location of the improvements, by reference to streets or portions or
- 3512 extensions of streets or by any other means that the governing body chooses that reasonably
- 3513 describes the general location of the improvements;
- 3514 (d) a statement of the estimated cost of the improvements as determined by a project
- 3515 engineer;
- 3516 (e) a statement that the local entity proposes to levy an assessment on benefitted
- 3517 property within the assessment area to pay some or all of the cost of the improvements
- 3518 according to the estimated direct and indirect benefits to the property from the improvements;
- 3519 (f) a statement of the assessment method by which the assessment is proposed to be
- 3520 levied;
- 3521 (g) a statement of the time within which and the location at which protests against
- 3522 designation of the proposed assessment area or of the proposed improvements are required to
- 3523 be filed and the method by which the number of protests required to defeat the designation of
- 3524 the proposed assessment area or acquisition or construction of the proposed improvements are
- 3525 to be determined;
- 3526 (h) state the date, time, and place of the public hearing under Section 11-42-204;
- 3527 (i) if the governing body elects to create and fund a reserve fund under Section
- 3528 11-42-702, a description of how the reserve fund will be funded and replenished and how
- 3529 remaining money in the reserve fund is to be disbursed upon full payment of the bonds;

3530 (j) if the governing body intends to designate a voluntary assessment area, a property
3531 owner consent form that:

3532 (i) estimates the total assessment to be levied against the particular parcel of property;

3533 (ii) describes any additional benefits that the governing body expects the assessed
3534 property to receive from the improvements; and

3535 (iii) designates the date and time by which the fully executed consent form is required
3536 to be submitted to the governing body;

3537 (k) if the local entity intends to levy an assessment to pay operation and maintenance
3538 costs or for economic promotion activities:

3539 (i) a description of the operation and maintenance costs or economic promotion
3540 activities to be paid by assessments and the initial estimated annual assessment to be levied;

3541 (ii) a description of how the estimated assessment will be determined;

3542 (iii) a description of how and when the governing body will adjust the assessment to
3543 reflect current operation and maintenance costs or the costs of current economic promotion
3544 activities;

3545 (iv) a description of the method of assessment if different from the method of
3546 assessment to be used for financing any improvement; and

3547 (v) a statement of the maximum number of years over which the assessment for
3548 operation and maintenance or economic promotion activities will be levied; and

3549 (l) if the governing body intends to divide the proposed assessment area into zones
3550 under Subsection 11-42-201(1)(b), a description of the proposed zones.

3551 (2) A notice required under Subsection 11-42-201(2)(a) may contain other information
3552 that the governing body considers to be appropriate, including:

3553 (a) the amount or proportion of the cost of the improvement to be paid by the local
3554 entity or from sources other than an assessment;

3555 (b) the estimated amount of each type of assessment for the various improvements to
3556 be financed according to the method of assessment that the governing body chooses; and

3557 (c) provisions for any optional improvements.

3558 (3) Each notice required under Subsection 11-42-201(2)(a) shall:
3559 (a) (i) be published in a newspaper of general circulation within the local entity's
3560 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at
3561 least five but not more than 20 days before the deadline under Section 11-42-203 for filing
3562 protests; or
3563 (ii) if there is no newspaper of general circulation within the local entity's jurisdictional
3564 boundaries, be posted in at least three public places within the local entity's jurisdictional
3565 boundaries at least 20 but not more than 35 days before the deadline under Section 11-42-203
3566 for filing protests; and
3567 (b) be mailed, postage prepaid, within ten days after the first publication or posting of
3568 the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed
3569 assessment area at the property owner's mailing address.

3570 Section 48. Section **11-42-203** is enacted to read:

3571 **11-42-203. Protests.**

3572 (1) An owner of property that is proposed to be included within an assessment area
3573 may, within the time specified in the notice under Section 11-42-202, file a written protest
3574 against:

- 3575 (a) the designation of the assessment area;
- 3576 (b) the inclusion of the owner's property in the proposed assessment area;
- 3577 (c) the proposed improvements to be acquired or constructed; or
- 3578 (d) any other aspect of the proposed designation of an assessment area.

3579 (2) Each protest under Subsection (1)(a) shall describe or otherwise identify the
3580 property owned by the person filing the protest.

3581 (3) An owner may withdraw a protest at any time before the conclusion of the hearing
3582 under Section 11-42-204 by filing a written withdrawal with the governing body.

3583 (4) If the governing body intends to assess property within the proposed assessment
3584 area by type of improvement or by zone, the governing body shall, in determining whether
3585 adequate protests have been filed, aggregate the protests by the type of improvement or by

3586 zone.

3587 (5) The failure of an owner of property within the proposed assessment area to file a
3588 timely written protest constitutes a waiver of any objection to:

3589 (a) the designation of the assessment area;

3590 (b) any improvement to be provided to property within the assessment area; and

3591 (c) the inclusion of the owner's property within the assessment area.

3592 Section 49. Section **11-42-204** is enacted to read:

3593 **11-42-204. Hearing.**

3594 (1) On the date and at the time and place specified in the notice under Section
3595 11-42-202, the governing body shall hold a public hearing.

3596 (2) The governing body may continue the public hearing from time to time to a fixed
3597 future date and time.

3598 (3) At the public hearing, the governing body shall:

3599 (a) hear all objections to the designation of the proposed assessment area or the
3600 improvements proposed to be provided in the assessment area;

3601 (b) hear all persons desiring to be heard; and

3602 (c) consider all protests filed under Section 11-42-203.

3603 (4) The governing body may make changes in:

3604 (a) improvements proposed to be provided to the proposed assessment area; or

3605 (b) the area or areas proposed to be included within the proposed assessment area.

3606 Section 50. Section **11-42-205** is enacted to read:

3607 **11-42-205. Unimproved property.**

3608 (1) A local entity may not designate an assessment area in which more than 75% of the
3609 property proposed to be assessed consists of unimproved property unless the local entity:

3610 (a) has obtained an appraisal of the unimproved property from an appraiser who is a
3611 member of the Appraisal Institute, verifying that the market value of the property, after

3612 completion of the proposed improvements, is at least three times the amount of the assessment
3613 proposed to be levied against the unimproved property;

3614 (b) has obtained from each owner of unimproved property:

3615 (i) financial information acceptable to the governing body demonstrating the owner's
3616 ability to pay the proposed assessment; or

3617 (ii) a financial institution's commitment securing, to the governing body's satisfaction,
3618 the owner's obligation to pay the proposed assessment; and

3619 (c) has prepared a development plan, approved by a qualified, independent third party,
3620 describing the plan of development and the financial feasibility of the plan, taking into account
3621 growth trends, absorption studies, and other demographic information applicable to the
3622 unimproved property.

3623 (2) Information that an owner provides to a local entity under Subsection (1)(b)(i) is
3624 not a record for purposes of Title 63, Chapter 2, Government Records Access and Management
3625 Act.

3626 Section 51. Section **11-42-206** is enacted to read:

3627 **11-42-206. Adoption of a resolution or ordinance regarding a proposed**
3628 **assessment area -- Designation of an assessment area may not occur if adequate protests**
3629 **filed -- Recording of resolution or ordinance and notice of proposed assessment.**

3630 (1) After holding a public hearing under Section 11-42-204 and considering protests
3631 filed under Section 11-42-203, and subject to Subsection (3), the governing body shall adopt a
3632 resolution or ordinance:

3633 (a) abandoning the proposal to designate an assessment area; or

3634 (b) designating an assessment area as described in the notice under Section 11-42-202
3635 or with the changes made as authorized under Subsection 11-42-204(4).

3636 (2) If the notice under Section 11-42-202 indicates that the proposed assessment area is
3637 a voluntary assessment area, the governing body shall:

3638 (a) delete from the proposed assessment area all property whose owners have not
3639 submitted an executed consent form consenting to inclusion of the owner's property in the
3640 proposed assessment area; and

3641 (b) determine whether to designate a voluntary assessment area, after considering:

3642 (i) the amount of the proposed assessment to be levied on the property within the
3643 voluntary assessment area; and

3644 (ii) the benefits that property within the voluntary assessment area will receive from
3645 improvements proposed to be financed by assessments on the property.

3646 (3) If adequate protests have been filed, the governing body may not designate an
3647 assessment area as described in the notice under Section 11-42-202.

3648 (4) (a) If the governing body adopts a designation resolution or ordinance designating
3649 an assessment area, the governing body shall, within 15 days after adopting the designation
3650 resolution or ordinance:

3651 (i) record the original or certified copy of the designation resolution or ordinance in the
3652 office of the recorder of the county in which property within the assessment area is located; and

3653 (ii) file with the recorder of the county in which property within the assessment area is
3654 located a notice of proposed assessment that:

3655 (A) states that the local entity has designated an assessment area; and

3656 (B) lists, by legal description and tax identification number, the property proposed to
3657 be assessed.

3658 (b) A governing body's failure to comply with the requirements of Subsection (4)(a)
3659 does not invalidate the designation of an assessment area.

3660 (5) After the adoption of a designation resolution or ordinance under Subsection (1)(b),
3661 the local entity may begin providing the specified improvements.

3662 Section 52. Section **11-42-207** is enacted to read:

3663 **11-42-207. Adding property to an assessment area.**

3664 (1) A local entity may add to a designated assessment area property to be benefitted
3665 and assessed if:

3666 (a) construction of the improvements in the assessment area has not been completed;
3667 and

3668 (b) the governing body:

3669 (i) finds that the inclusion of the property will not adversely affect the owners of

3670 property already in the assessment area;

3671 (ii) obtains from each owner of property to be added and benefitted a written consent
3672 that contains:

3673 (A) the owner's consent to:

3674 (I) the owner's property being added to the assessment area; and

3675 (II) the making of the proposed improvements with respect to the owner's property;

3676 (B) the legal description and tax identification number of the property to be added; and

3677 (C) the owner's waiver of any right to protest the creation of the assessment area;

3678 (iii) amends the designation resolution or ordinance to include the added property; and

3679 (iv) within 15 days after amending the designation resolution or ordinance:

3680 (A) records in the office of the recorder of the county in which the added property is

3681 located the original or certified copy of the amended designation resolution or ordinance

3682 containing the legal description and tax identification number of each additional parcel of

3683 property added to the assessment area and proposed to be assessed; and

3684 (B) gives written notice to the property owner of the inclusion of the owner's property
3685 in the assessment area.

3686 (2) The failure of a local entity's governing body to comply with the requirement of
3687 Subsection (1)(b)(iv) does not affect the validity of the amended designation resolution or
3688 ordinance.

3689 (3) Except as provided in this section, a local entity may not add to an assessment area
3690 land not included in a notice under Section 11-42-202, or provide for making improvements
3691 that are not stated in the notice, unless the local entity gives notice as provided in Section
3692 11-42-202 and holds a hearing as required under Section 11-42-204 as to the added land or
3693 additional improvements.

3694 Section 53. Section **11-42-208** is enacted to read:

3695 **11-42-208. Recording notice of deletion if property is deleted from an assessment**
3696 **area.**

3697 If, after adoption of a designation resolution or ordinance under Section 11-42-206, a

3698 local entity deletes property from the assessment area, the local entity shall record a notice of
3699 deletion in a form that includes the legal description and tax identification number of the
3700 property and otherwise complies with applicable recording statutes.

3701 Section 54. Section **11-42-301** is enacted to read:

3702 **Part 3. Contracts for Improvements**

3703 **11-42-301. Improvements made only under contract let to lowest responsive,**
3704 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**
3705 **contract requirement.**

3706 (1) Except as otherwise provided in this section, a local entity may make improvements
3707 in an assessment area only under contract let to the lowest responsive, responsible bidder for
3708 the kind of service, material, or form of construction that the local entity's governing body
3709 determines in compliance with any applicable local entity ordinances.

3710 (2) A local entity may:

3711 (a) divide improvements into parts;

3712 (b) (i) let separate contracts for each part; or

3713 (ii) combine multiple parts into the same contract; and

3714 (c) let a contract on a unit basis.

3715 (3) (a) A local entity may not let a contract until after publishing notice as provided in
3716 Subsection (3)(b) at least one time in a newspaper of general circulation within the boundaries
3717 of the local entity at least 15 days before the date specified for receipt of bids.

3718 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will
3719 receive sealed bids at a specified time and place for the construction of the improvements.

3720 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to
3721 publish the notice or to publish the notice within 15 days before the date specified for receipt of
3722 bids, the governing body may proceed to let a contract for the improvements if the local entity
3723 receives at least three sealed and bona fide bids from contractors by the time specified for the
3724 receipt of bids.

3725 (d) A local entity may publish a notice required under this Subsection (3) at the same

3726 time as a notice under Section 11-42-202.

3727 (4) (a) A local entity may accept as a sealed bid a bid that is:

3728 (i) manually sealed and submitted; or

3729 (ii) electronically sealed and submitted.

3730 (b) The governing body or project engineer shall, at the time specified in the notice

3731 under Subsection (3), open and examine the bids.

3732 (c) In open session, the governing body:

3733 (i) shall declare the bids; and

3734 (ii) may reject any or all bids if the governing body considers the rejection to be for the

3735 public good.

3736 (d) The local entity may award the contract to the lowest responsive, responsible bidder

3737 even if the price bid by that bidder exceeds the estimated costs as determined by the project

3738 engineer.

3739 (e) A local entity may in any case:

3740 (i) refuse to award a contract;

3741 (ii) obtain new bids after giving a new notice under Subsection (3);

3742 (iii) determine to abandon the assessment area; or

3743 (iv) not make some of the improvements proposed to be made.

3744 (5) A local entity is not required to let a contract as provided in this section for:

3745 (a) an improvement or part of an improvement the cost of which or the making of

3746 which is donated or contributed;

3747 (b) an improvement that consists of furnishing utility service or maintaining

3748 improvements;

3749 (c) labor, materials, or equipment supplied by the local entity;

3750 (d) the local entity's acquisition of completed or partially completed improvements in

3751 an assessment area;

3752 (e) design, engineering, and inspection costs incurred with respect to the construction

3753 of improvements in an assessment area; or

3754 (f) additional work performed in accordance with the terms of a contract duly let to the
3755 lowest responsible bidder.

3756 (6) A local entity may itself furnish utility service and maintain improvements within an
3757 assessment area.

3758 (7) (a) A local entity may acquire completed or partially completed improvements in an
3759 assessment area, but may not pay an amount for those improvements that exceeds their fair
3760 market value.

3761 (b) Upon the local entity's payment for completed or partially completed
3762 improvements, title to the improvements shall be conveyed to the local entity or another public
3763 agency.

3764 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works
3765 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an
3766 assessment area.

3767 Section 55. Section **11-42-302** is enacted to read:

3768 **11-42-302. Contracts for work in an assessment area -- Sources of payment --**
3769 **Payments as work progresses.**

3770 (1) A contract for work in an assessment area or for the purchase of property required
3771 to make an improvement in an assessment area may require the contract obligation to be paid
3772 from proceeds from the sale of assessment bonds, interim warrants, or bond anticipation notes.

3773 (2) (a) To the extent that a contract is not paid from the sources stated in Subsection
3774 (1), the local entity shall advance funds to pay the contract obligation from other legally
3775 available money, according to the requirements of the contract.

3776 (b) A local entity may reimburse itself for an amount paid from its general fund or
3777 other funds under Subsection (2)(a) from:

3778 (i) the proceeds from the sale of assessment bonds, interim warrants, or bond
3779 anticipation notes; or

3780 (ii) assessments or improvement revenues that are not pledged for the payment of
3781 assessment bonds, interim warrants, or bond anticipation notes.

3782 (c) A local entity may not reimburse itself for costs of making an improvement that are
3783 properly chargeable to the local entity or for which an assessment may not be levied.

3784 (3) (a) A contract for work in an assessment area may provide for payments to the
3785 contractor as the work progresses.

3786 (b) If a contract provides for periodic payments:

3787 (i) periodic payments may not exceed 90% of the value of the work done to the date of
3788 the payment, as determined by estimates of the project engineer; and

3789 (ii) a final payment may be made only after the contractor has completed the work and
3790 the local entity has accepted the work.

3791 (c) If a local entity retains money payable to a contractor as the work progresses, the
3792 local entity shall retain or withhold and release the money as provided in Section 13-8-5.

3793 Section 56. Section **11-42-401** is enacted to read:

3794 **Part 4. Assessments**

3795 **11-42-401. Levying an assessment -- Prerequisites -- Assessment list.**

3796 (1) A local entity may levy an assessment against property within an assessment area as
3797 provided in this part.

3798 (2) Before a governing body may adopt a resolution or ordinance levying an
3799 assessment against property within an assessment area:

3800 (a) the governing body shall:

3801 (i) subject to Subsection (3), prepare an assessment list designating:

3802 (A) each parcel of property proposed to be assessed; and

3803 (B) the amount of the assessment to be levied against the property;

3804 (ii) appoint a board of equalization as provided in Section 11-42-403; and

3805 (iii) give notice as provided in Section 11-42-402; and

3806 (b) the board of equalization, appointed under Section 11-42-403, shall hold hearings,
3807 make any corrections to assessments it considers appropriate, and report its findings to the
3808 governing body as provided in Section 11-42-403.

3809 (3) An assessment list under Subsection (2)(a)(i) may be prepared at any time after:

3810 (a) the estimated or actual operation and maintenance costs have been determined, if
3811 the assessment is to pay operation and maintenance costs;

3812 (b) the light service has commenced, if the assessment is to pay for light service;

3813 (c) the park maintenance has commenced, if the assessment is to pay for park
3814 maintenance;

3815 (d) adoption of a resolution or ordinance under Section 11-42-206, if the assessment is
3816 to pay for economic promotion activities; or

3817 (e) for any other assessment, the governing body has determined:

3818 (i) the estimated or actual acquisition and construction costs of all proposed
3819 improvements within the assessment area, including overhead costs and authorized
3820 contingencies;

3821 (ii) the estimated or actual property price for all property to be acquired to provide the
3822 proposed improvements; and

3823 (iii) the reasonable cost of any work to be done by the local entity.

3824 (4) A local entity may levy an assessment for some or all of the cost of improvements
3825 within an assessment area, including payment of:

3826 (a) operation and maintenance costs of improvements constructed within the
3827 assessment area;

3828 (b) the actual cost that the local entity pays for utility services furnished or for
3829 maintenance of improvements provided by another or, if the local entity itself furnishes utility
3830 service or maintains improvements, for the reasonable cost of supplying the service or
3831 maintenance;

3832 (c) the reasonable cost of supplying labor, materials, or equipment in connection with
3833 improvements; and

3834 (d) the reasonable cost of connection fees or the cost of any sewer, water, gas, electric,
3835 or telecommunications connections if the local entity owns or supplies these services, to the
3836 depth that the local entity's governing body considers just and equitable.

3837 (5) A local entity may not levy an assessment for an amount donated or contributed for

3838 an improvement or part of an improvement.

3839 (6) The validity of an otherwise valid assessment is not affected because the actual cost
3840 of improvements exceeds the estimated cost.

3841 (7) An assessment levied to pay for operation and maintenance costs may not be levied
3842 over a period of time exceeding the reasonable useful life of the facilities to be maintained by
3843 the levy.

3844 Section 57. Section **11-42-402** is enacted to read:

3845 **11-42-402. Notice of assessment and board of equalization hearing.**

3846 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

3847 (1) state:

3848 (a) that an assessment list is completed and available for examination at the offices of
3849 the local entity;

3850 (b) the total estimated or actual cost of the improvements;

3851 (c) the amount of the total estimated or actual cost of the proposed improvements to be
3852 paid by the local entity;

3853 (d) the amount of the assessment to be levied against benefitted property within the
3854 assessment area;

3855 (e) the assessment method used to calculate the proposed assessment;

3856 (f) the unit cost used to calculate the assessments shown on the assessment list, based
3857 on the assessment method used to calculate the proposed assessment; and

3858 (g) the dates, times, and place of the board of equalization hearings under Subsection
3859 11-42-401(2)(b);

3860 (2) beginning at least 20 but not more than 35 days before the first hearing of the board
3861 of equalization:

3862 (a) be published at least once in a newspaper of general circulation within the local
3863 entity's jurisdictional boundaries; or

3864 (b) if there is no newspaper of general circulation within the local entity's jurisdictional
3865 boundaries, be posted in at least three public places within the local entity's jurisdictional

3866 boundaries; and

3867 (3) be mailed, postage prepaid, within ten days after the first publication or posting of
3868 the notice under Subsection (2) to each owner of property to be assessed within the proposed
3869 assessment area at the property owner's mailing address.

3870 Section 58. Section **11-42-403** is enacted to read:

3871 **11-42-403. Board of equalization -- Hearings -- Corrections to proposed**
3872 **assessment list -- Report to governing body -- Appeal -- Board findings final -- Waiver of**
3873 **objections.**

3874 (1) After preparing an assessment list under Subsection 11-42-401(2)(a)(i), the
3875 governing body shall appoint a board of equalization.

3876 (2) Each board of equalization under this section shall, at the option of the governing
3877 body, consist of:

3878 (a) three or more members of the governing body;

3879 (b) (i) two members of the governing body; and

3880 (ii) (A) a representative of the treasurer's office of the local entity; or

3881 (B) a representative of the office of the local entity's engineer or the project engineer;

3882 or

3883 (c) (i) one member of the governing body;

3884 (ii) a representative of the treasurer's office of the local entity; and

3885 (iii) a representative of the office of the local entity's engineer or the project engineer.

3886 (3) (a) The board of equalization shall hold hearings on at least three consecutive days
3887 for at least one hour per day between 9 a.m. and 9 p.m., as specified in the notice under Section
3888 11-42-402.

3889 (b) The board of equalization may continue a hearing from time to time to a specific
3890 place and a specific hour and day until the board's work is completed.

3891 (c) At each hearing, the board of equalization shall hear arguments from any person
3892 who claims to be aggrieved, including arguments relating to:

3893 (i) the direct or indirect benefits accruing to a tract, block, lot, or parcel of property in

3894 the assessment area; or
3895 (ii) the amount of the proposed assessment against the tract, block, lot, or parcel.
3896 (4) (a) After the hearings under Subsection (3) are completed, the board of equalization
3897 shall:
3898 (i) consider all facts and arguments presented at the hearings; and
3899 (ii) make any corrections to the proposed assessment list that the board considers just
3900 and equitable.
3901 (b) A correction under Subsection (4)(a)(ii) may:
3902 (i) eliminate one or more pieces of property from the assessment list; or
3903 (ii) increase or decrease the amount of the assessment proposed to be levied against a
3904 parcel of property.
3905 (c) (i) If the board of equalization makes a correction under Subsection (4)(a)(ii) that
3906 results in an increase of a proposed assessment, the board shall, before approving a corrected
3907 assessment list:
3908 (A) give notice as provided in Subsection (4)(c)(ii);
3909 (B) hold a hearing at which the owner whose assessment is proposed to be increased
3910 may appear and object to the proposed increase; and
3911 (C) after holding a hearing, make any further corrections that the board considers just
3912 and equitable with respect to the proposed increased assessment.
3913 (ii) Each notice required under Subsection (4)(c)(i)(A) shall:
3914 (A) state:
3915 (I) that the property owner's assessment is proposed to be increased;
3916 (II) the amount of the proposed increased assessment;
3917 (III) that a hearing will be held at which the owner may appear and object to the
3918 increase; and
3919 (IV) the date, time, and place of the hearing; and
3920 (B) be mailed, at least 15 days before the date of the hearing, to each owner of property
3921 as to which the assessment is proposed to be increased at the property owner's mailing address.

3922 (5) (a) After the board of equalization has held all hearings required by this section and
3923 has made all corrections the board considers just and equitable, the board shall report to the
3924 governing body its findings that:

3925 (i) each parcel of property within the assessment area will be directly or indirectly
3926 benefitted in an amount not less than the assessment to be levied against the property; and

3927 (ii) except as provided in Subsection 11-42-409(6), no parcel of property on the
3928 assessment list will bear more than its proportionate share of the cost of the improvements
3929 benefitting the property.

3930 (b) The board of equalization shall mail a copy of the board's final report to each
3931 property owner who objected at the board hearings to the assessment proposed to be levied
3932 against the property owner's property at the property owner's mailing address.

3933 (6) (a) If a board of equalization includes members other than the governing body of
3934 the local entity, a property owner may appeal a decision of the board to the governing body by
3935 filing with the governing body a written notice of appeal within 15 days after the board's final
3936 report is mailed to property owners under Subsection (5)(b).

3937 (b) Except as provided in Subsection (6)(a), no appeal may be taken from the findings
3938 of a board of equalization.

3939 (7) The findings of a board of equalization are final:

3940 (a) when approved by the governing body, if no appeal is allowed under Subsection
3941 (6); or

3942 (b) after the time for appeal under Subsection (6) is passed, if an appeal is allowed
3943 under that subsection.

3944 (8) (a) If a governing body has levied an assessment to pay operation and maintenance
3945 costs within an assessment area, the governing body may periodically appoint a new board of
3946 equalization to review assessments for operation and maintenance costs.

3947 (b) Each board of equalization appointed under Subsection (8)(a) shall comply with the
3948 requirements of Subsections (3) through (6).

3949 (9) The failure of an owner of property within the assessment area to appear before the

3950 board of equalization to object to the levy of the assessment constitutes a waiver of all
3951 objections to the levy, except an objection that the governing body failed to obtain jurisdiction
3952 to order that the improvements which the assessment is intended to pay be provided to the
3953 assessment area.

3954 Section 59. Section **11-42-404** is enacted to read:

3955 **11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice**
3956 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**
3957 **interest.**

3958 (1) (a) After receiving a final report from a board of equalization under Subsection
3959 11-42-403(5) or, if applicable, after the time for filing an appeal under Subsection
3960 11-42-403(6) has passed, the governing body may adopt a resolution or ordinance levying an
3961 assessment against benefitted property within the assessment area.

3962 (b) Each local entity that levies an assessment under this chapter shall levy the
3963 assessment at one time only, unless the assessment is to pay operation and maintenance costs
3964 or the costs of economic promotion activities.

3965 (c) An assessment resolution or ordinance adopted under Subsection (1)(a):

3966 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to
3967 be assessed;

3968 (ii) need not include the legal description or tax identification number of the parcels of
3969 property assessed in the assessment area; and

3970 (iii) is adequate for purposes of identifying the property to be assessed within the
3971 assessment area if the assessment resolution or ordinance incorporates by reference the
3972 corrected assessment list that describes the property assessed by legal description and tax
3973 identification number.

3974 (2) (a) Each local entity that adopts an assessment resolution or ordinance shall give
3975 notice of the adoption by:

3976 (i) publishing a copy of the resolution or ordinance once in a newspaper of general
3977 circulation within the local entity's jurisdictional boundaries; or

3978 (ii) if there is no newspaper of general circulation with the local entity's jurisdictional
3979 boundaries, posting a copy of the resolution or ordinance in at least three public places within
3980 the local entity's jurisdictional boundaries for at least 21 days.

3981 (b) No other publication or posting of the resolution or ordinance is required.

3982 (3) Notwithstanding any other statutory provision regarding the effective date of a
3983 resolution or ordinance, each assessment resolution or ordinance takes effect:

3984 (a) on the date of publication or posting of the notice under Subsection (2); or

3985 (b) at a later date provided in the resolution or ordinance.

3986 (4) (a) The governing body of each local entity that has adopted an assessment
3987 resolution or ordinance under Subsection (1) shall, within five days after the 25-day
3988 prepayment period under Subsection 11-42-411(6) has passed, file a notice of assessment
3989 interest with the recorder of the county in which the assessed property is located.

3990 (b) Each notice of assessment interest under Subsection (4)(a) shall:

3991 (i) state that the local entity has an assessment interest in the assessed property;

3992 (ii) if the assessment is to pay operation and maintenance costs or for economic
3993 promotion activities, state the maximum number of years over which an assessment will be
3994 payable; and

3995 (iii) describe the property assessed by legal description and tax identification number.

3996 (c) A local entity's failure to file a notice of assessment interest under this Subsection
3997 (4) has no affect on the validity of an assessment levied under an assessment resolution or
3998 ordinance adopted under Subsection (1).

3999 Section 60. Section **11-42-405** is enacted to read:

4000 **11-42-405. Limit on amount of assessment -- Costs required to be paid by the local**
4001 **entity.**

4002 (1) An assessment levied within an assessment area may not, in the aggregate, exceed
4003 the sum of:

4004 (a) the contract price or estimated contract price;

4005 (b) the acquisition price of improvements;

4006 (c) the reasonable cost of:
4007 (i) (A) utility services, maintenance, and operation, to the extent permitted by
4008 Subsection 11-42-401(4); and
4009 (B) labor, materials, or equipment supplied by the local entity;
4010 (ii) economic promotion activities; or
4011 (iii) operation and maintenance costs;
4012 (d) the price or estimated price of purchasing property;
4013 (e) any connection fees;
4014 (f) estimated interest on interim warrants and bond anticipation notes issued with
4015 respect to an assessment area;
4016 (g) overhead costs not to exceed 15% of the sum of Subsections (1)(a), (b), (c), and (e);
4017 (h) an amount for contingencies of not more than 10% of the sum of Subsections (1)(a)
4018 and (c), if the assessment is levied before construction of the improvements in the assessment
4019 area is completed;
4020 (i) an amount sufficient to fund a reserve fund, if the governing body creates and funds
4021 a reserve fund as provided in Section 11-42-702; and
4022 (j) 1/2 the cost of grading changes as provided in Section 11-42-407.
4023 (2) Each local entity providing an improvement in an assessment area shall pay, from
4024 improvement revenues not pledged to the payment of bonds and from any other legally
4025 available money:
4026 (a) overhead costs for which an assessment cannot be levied;
4027 (b) the costs of providing an improvement for which an assessment was not levied, if
4028 the assessment is levied before construction of the improvement in the assessment area is
4029 completed; and
4030 (c) the acquisition and constructions costs of an improvement for the benefit of
4031 property against which an assessment may not be levied.
4032 Section 61. Section **11-42-406** is enacted to read:
4033 **11-42-406. Assessment for economic promotion activities.**

4034 (1) An assessment levied to pay for economic promotion activities may not extend for
4035 more than five years after the date of the notice under Section 11-42-402.

4036 (2) If a local entity designates an assessment area for economic promotion activities,
4037 the local entity:

4038 (a) shall spend on economic promotion activities at least 70% of the money generated
4039 from an assessment levied in the assessment area and from improvement revenues; and

4040 (b) may not spend more than 30% of that money on administrative costs, including
4041 salaries, benefits, rent, travel, and costs incidental to publications.

4042 Section 62. Section **11-42-407** is enacted to read:

4043 **11-42-407. Improvements that change the grade of an existing street, alley, or**
4044 **sidewalk -- Improvements that improve an intersection or spaces opposite an alley.**

4045 (1) If an improvement in an assessment area involves changing the grade of an existing
4046 street, alley, or sidewalk, the local entity shall pay half of the cost of bringing the street, alley,
4047 or sidewalk to the established grade.

4048 (2) If an improvement in an assessment area improves an intersection of streets or
4049 spaces opposite an alley, the local entity may levy an assessment against the other properties to
4050 be assessed in the assessment area for the cost of the improvement.

4051 Section 63. Section **11-42-408** is enacted to read:

4052 **11-42-408. Assessment against government land prohibited -- Exception.**

4053 (1) (a) Except as provided in Subsection (2), a local entity may not levy an assessment
4054 against property owned by the federal government or a public agency, even if the property
4055 benefits from the improvement.

4056 (b) Notwithstanding Subsection (1)(a), a public agency may contract with a local
4057 entity:

4058 (i) for the local entity to provide an improvement to property owned by the public
4059 agency; and

4060 (ii) to pay for the improvement provided by the local entity.

4061 (c) Nothing in this section may be construed to prevent a local entity from imposing on

4062 and collecting from a public agency, or a public agency from paying, a reasonable charge for a
4063 service rendered or material supplied by the local entity to the public agency, including a
4064 charge for water, sewer, or lighting service.

4065 (2) Notwithstanding Subsection (1):

4066 (a) a local entity may continue to levy and enforce an assessment against property
4067 acquired by a public agency within an assessment area if the acquisition occurred after the
4068 assessment area was designated; and

4069 (b) property that is subject to an assessment lien at the time it is acquired by a public
4070 agency continues to be subject to the lien and to enforcement of the lien if the assessment and
4071 interest on the assessment are not paid when due.

4072 Section 64. Section **11-42-409** is enacted to read:

4073 **11-42-409. Assessment requirements.**

4074 (1) (a) Each local entity that levies an assessment under this chapter shall levy the
4075 assessment on each block, lot, tract, or parcel of property that borders, is adjacent to, or
4076 benefits from an improvement:

4077 (i) to the extent that the improvement directly or indirectly benefits the property; and

4078 (ii) to whatever depth on the parcel of property that the governing body determines,
4079 including the full depth.

4080 (b) The validity of an otherwise valid assessment is not affected by the fact that the
4081 benefit to the property from the improvement:

4082 (i) is only indirect; or

4083 (ii) does not increase the fair market value of the property.

4084 (2) The assessment method a governing body uses to calculate an assessment may be
4085 according to frontage, area, taxable value, fair market value, lot, number of connections,
4086 equivalent residential unit, or any combination of these methods, as the governing body
4087 considers fair and equitable.

4088 (3) In calculating assessments, a governing body may:

4089 (a) use different methods for different improvements in an assessment area; and

4090 (b) assess different amounts in different zones, even when using the same method, if
4091 acquisition or construction costs differ from zone to zone.

4092 (4) (a) Each local entity shall make an allowance for each corner lot receiving the same
4093 improvement on both sides so that the property is not assessed at the full rate on both sides.

4094 (b) A local entity may allocate a corner lot allowance under Subsection (4)(a) to all
4095 other benefitted property within the assessment area by increasing the assessment levied
4096 against the other property.

4097 (5) (a) Assessments shall be fair and equitable according to the benefit to the benefitted
4098 property from the improvement.

4099 (b) To comply with Subsection (5)(a), a local entity may levy assessments within
4100 zones.

4101 (6) A local entity may levy an assessment that would otherwise violate a provision of
4102 this chapter if the owners of all property to be assessed enter into a written agreement with the
4103 local entity consenting to the assessment.

4104 Section 65. Section **11-42-410** is enacted to read:

4105 **11-42-410. Amending an assessment resolution or ordinance.**

4106 (1) A governing body may adopt a resolution or ordinance amending the original
4107 assessment resolution or ordinance adopted under Section 11-42-404 to:

4108 (a) correct a deficiency, omission, error, or mistake:

4109 (i) with respect to:

4110 (A) the total cost of an improvement;

4111 (B) operation and maintenance costs; or

4112 (C) the cost of economic promotion activities; or

4113 (ii) that results in a tract, lot, block, or parcel not being fully assessed or assessed in an
4114 incorrect amount;

4115 (b) reallocate or adjust assessments under the original assessment resolution or
4116 ordinance for operation and maintenance costs or the costs of economic promotion activities;

4117 (c) reallocate or adjust assessments under the original assessment resolution or

4118 ordinance; or

4119 (d) reduce an assessment as a result of the issuance of refunding bonds.

4120 (2) If an amendment under Subsection (1)(a) results in an increase in an assessment,

4121 the governing body shall comply with the notice requirements of Section 11-42-402.

4122 Section 66. Section **11-42-411** is enacted to read:

4123 **11-42-411. Installment payment of assessments.**

4124 (1) (a) In an assessment resolution or ordinance, the governing body may, subject to

4125 Subsection (1)(b), provide that some or all of the assessment be paid in installments over a

4126 period not to exceed 20 years from the effective date of the resolution or ordinance.

4127 (b) If an assessment resolution or ordinance provides that some or all of the assessment

4128 be paid in installments for a period exceeding ten years from the effective date of the resolution

4129 or ordinance, the governing body:

4130 (i) shall make a determination that:

4131 (A) the improvement for which the assessment is made has a reasonable useful life for

4132 the full period during which installments are to be paid; or

4133 (B) it would be in the best interests of the local entity and the property owners for

4134 installments to be paid for more than ten years; and

4135 (ii) may provide in the resolution or ordinance that no assessment is payable during

4136 some or all of the period ending three years after the effective date of the resolution or

4137 ordinance.

4138 (2) An assessment resolution or ordinance that provides for the assessment to be paid

4139 in installments may provide that the unpaid balance be paid over the period of time that

4140 installments are payable:

4141 (a) in substantially equal installments of principal; or

4142 (b) in substantially equal installments of principal and interest.

4143 (3) (a) Each assessment resolution or ordinance that provides for the assessment to be

4144 paid in installments shall, subject to Subsections (3)(b) and (c), provide that the unpaid balance

4145 of the assessment bear interest at a fixed rate, variable rate, or a combination of fixed and

4146 variable rates, as determined by the governing body, from the effective date of the resolution or
4147 ordinance or another date specified in the resolution or ordinance.

4148 (b) If the assessment is for operation and maintenance costs or for the costs of
4149 economic promotion activities:

4150 (i) a local entity may charge interest only from the date each installment is due; and

4151 (ii) the first installment of an assessment shall be due 15 days after the effective date of
4152 the assessment resolution or ordinance.

4153 (c) If an assessment resolution or ordinance provides for the unpaid balance of the
4154 assessment to bear interest at a variable rate, the assessment resolution or ordinance shall
4155 specify:

4156 (i) the basis upon which the rate is to be determined from time to time;

4157 (ii) the manner in which and schedule upon which the rate is to be adjusted; and

4158 (iii) a maximum rate that the assessment may bear.

4159 (4) Interest payable on assessments may include:

4160 (a) interest on assessment bonds;

4161 (b) ongoing local entity costs incurred for administration of the assessment area;

4162 (c) any costs incurred with respect to:

4163 (i) securing a letter of credit or other instrument to secure payment or repurchase of
4164 bonds; or

4165 (ii) retaining a marketing agent or an indexing agent.

4166 (5) Interest imposed in an assessment resolution or ordinance shall be paid in addition
4167 to the amount of each installment annually or at more frequent intervals as provided in the
4168 assessment resolution or ordinance.

4169 (6) (a) Except for an assessment for operation and maintenance costs or for the costs of
4170 economic promotion activities, a property owner may pay some or all of the entire assessment
4171 without interest if paid within 25 days after the assessment resolution or ordinance takes effect.

4172 (b) After the 25-day period stated in Subsection (6)(a), a property owner may at any
4173 time prepay some or all of the assessment levied against the owner's property.

- 4174 (c) A local entity may require a prepayment of an installment to include:
- 4175 (i) an amount equal to the interest that would accrue on the assessment to the next date
- 4176 on which interest is payable on bonds issued in anticipation of the collection of the assessment;
- 4177 and
- 4178 (ii) the amount necessary, in the governing body's opinion or the opinion of the officer
- 4179 designated by the governing body, to assure the availability of money to pay:
- 4180 (A) interest that becomes due and payable on those bonds; and
- 4181 (B) any premiums that become payable on bonds that are called in order to use the
- 4182 money from the prepaid assessment installment.

4183 Section 67. Section **11-42-412** is enacted to read:

4184 **11-42-412. Assessment fund -- Uses of money in the fund -- Treasurer's duties**
4185 **with respect to the fund.**

4186 (1) The governing body of each local entity that levies an assessment under this part on
4187 benefitted property within an assessment area shall establish an assessment fund.

4188 (2) The governing body shall:

4189 (a) deposit into the assessment fund all money paid to the local entity from assessments
4190 and interest on assessments; and

4191 (b) deposit into a separate account in the assessment fund all money paid to the local
4192 entity from improvement revenues.

4193 (3) Money in an assessment fund may be expended only for paying:

4194 (a) the local entity's costs and expenses of making, operating, and maintaining
4195 improvements to the extent permitted under Section 11-42-415;

4196 (b) operation and maintenance costs;

4197 (c) economic promotion activities;

4198 (d) local entity obligations; and

4199 (e) costs that the local entity incurs with respect to:

4200 (i) administration of the assessment area; or

4201 (ii) obtaining a letter of credit or other instrument or fund to secure the payment of

4202 assessment bonds.
4203 (4) The treasurer of the local entity:
4204 (a) shall:
4205 (i) subject to Subsection (4)(b)(i), be the custodian of the assessment fund;
4206 (ii) keep the assessment fund intact and separate from all other local entity funds and
4207 money;
4208 (iii) invest money in an assessment fund by following the procedures and requirements
4209 of Title 51, Chapter 7, State Money Management Act; and
4210 (iv) keep on deposit in the assessment fund any interest received from the investment
4211 of money in the assessment fund and use the interest exclusively for the purposes for which the
4212 assessment fund was established; and
4213 (b) may:
4214 (i) arrange for the assessment fund to be held by a trustee bank on behalf of the local
4215 entity; and
4216 (ii) pay money out of the assessment fund only for the purposes listed in Subsection
4217 (3).
4218 (5) When all local entity obligations have been paid or legally considered paid in full,
4219 the treasurer of the local entity shall transfer all money remaining in the assessment fund as
4220 provided in Section 11-42-414.
4221 Section 68. Section **11-42-413** is enacted to read:
4222 **11-42-413. Surplus assessments -- Payment of bonds -- Rebate of assessment if**
4223 **improvements abandoned.**
4224 (1) As used in this section:
4225 (a) "Current owner" means the owner of property at the time a rebate under this section
4226 is paid.
4227 (b) "Last-known address" means the last address of an owner of property within an
4228 assessment area according to the last completed real property assessment roll of the county in
4229 which the property is located.

4230 (c) "Net assessment" means the amount of an assessment after subtracting:
 4231 (i) the amount required to pay for any improvements that have been made prior to their
 4232 being abandoned; and
 4233 (ii) any damages or costs related to an abandonment of improvements.
 4234 (2) (a) If the total cost of completed and accepted improvements is less than the total
 4235 amount of assessments levied for those improvements, the local entity shall place the surplus in
 4236 the assessment fund.
 4237 (b) If a local entity issues assessment bonds before a surplus under Subsection (2)(a) is
 4238 determined, the local entity shall hold the surplus in the assessment fund and use the surplus
 4239 for the payment of the bonds, interest, and any penalties and costs.
 4240 (3) If a local entity abandons improvements in an assessment area before the
 4241 improvements have been started or, if started, before they have been completed and accepted
 4242 but after an assessment has been levied, the local entity shall rebate the net assessment to the
 4243 current owner.

4244 Section 69. Section **11-42-414** is enacted to read:

4245 **11-42-414. Remaining interest and other money in assessment fund to be**
 4246 **transferred to the guaranty fund or the local entity's general fund.**

4247 The treasurer of each local entity that collects interest from the investment of an
 4248 assessment fund or that receives penalties, costs, and other amounts for the benefit and credit
 4249 of an assessment that remain after all local entity obligations are paid in full and cancelled shall
 4250 transfer the remaining amount to:

- 4251 (1) the guaranty fund, if required by bond covenants; or
- 4252 (2) the local entity's general fund.

4253 Section 70. Section **11-42-415** is enacted to read:

4254 **11-42-415. Pledge and use of improvement revenues -- Reducing installment**
 4255 **payments -- Notice -- Overpayment of installment.**

4256 (1) A local entity may, by resolution adopted by the governing body, provide for the
 4257 pledge and use of any improvement revenues to pay:

4258 (a) some or all of the costs and expenses of making, operating, and maintaining
4259 improvements, to the extent permitted under this chapter; and

4260 (b) some or all of the principal of and interest on assessment bonds, interim warrants,
4261 and bond anticipation notes issued against the assessment area to make improvements within
4262 the assessment area.

4263 (2) (a) If the governing body adopts a resolution under Subsection (1), the local entity:

4264 (i) may:

4265 (A) provide for assessments to be levied in the full amount of the estimated cost of the
4266 improvements, as determined by a project engineer;

4267 (B) agree to use installment payments from assessments to pay the costs of the
4268 improvements and to pay principal of and interest on any assessment bonds, interim warrants,
4269 and bond anticipation notes when due; and

4270 (C) reduce installment payments, as provided in Subsection (2)(a)(ii), if the local entity
4271 receives net improvement revenues and pledges them to pay operation and maintenance costs
4272 of the improvements and to pay principal of and interest on assessment bonds, interim
4273 warrants, or bond anticipation notes; and

4274 (ii) shall authorize a local entity official to:

4275 (A) determine on each installment payment date the amount of net improvement
4276 revenues that the local entity has received since the last installment payment date; and

4277 (B) reduce the amount of the installment payment due on the next succeeding
4278 installment payment date by an amount that is no greater than the amount of the net
4279 improvement revenues described in Subsection (2)(a)(ii)(A).

4280 (b) A local entity may not reduce installment payments under Subsection (2)(a)(ii) if:

4281 (i) the reduction exceeds the amount of net improvement revenues that have been
4282 pledged to pay:

4283 (A) operation and maintenance costs of the improvements; and

4284 (B) principal of and interest on assessment bonds, interim warrants, and bond
4285 anticipation notes; or

4286 (ii) after the reduction, the sum of the assessment installment payments and the net
4287 improvement revenues are insufficient to pay:

4288 (A) operation and maintenance costs of the improvements; and

4289 (B) principal of and interest on assessment bonds, interim warrants, and bond
4290 anticipation notes.

4291 (c) The local entity shall require that each reduction of installment payments be made
4292 so that the assessments levied against each assessed property receive a proportionate share of
4293 the reduction.

4294 (d) A reduction under Subsection (2)(a)(ii) does not apply to an assessment or interest
4295 on an assessment that has been paid.

4296 (3) (a) Not more than 14 days after making a determination under Subsection (2)(a)(ii)
4297 to reduce an installment payment, the local entity's governing body shall mail notice of the
4298 reduction to each owner of property within the assessment area at the property owner's mailing
4299 address.

4300 (b) The governing body may include the notice required under Subsection (3)(a) with
4301 or in any other notice regarding the payment of assessments and interest on assessments that
4302 the governing body sends to owners.

4303 (4) (a) If an owner of assessed property pays more than the amount of the reduced
4304 installment payment on the installment payment date after a notice under Subsection (3) is
4305 mailed, the local entity may, by following the procedure under Subsection (3), provide
4306 additional notice to the owner that:

4307 (i) the owner has overpaid the assessment installment payment; and

4308 (ii) the local entity will:

4309 (A) credit the amount of the overpayment against the next installment payment due; or

4310 (B) if no further installment payment is due, refund the amount of the overpayment
4311 upon receipt of a written refund request from the owner.

4312 (b) If a local entity receives an overpayment of an installment payment, it shall:

4313 (i) credit the amount of the overpayment against the next installment payment due; or

- 4314 (ii) refund the amount of the overpayment to the owner if:
- 4315 (A) no further installment payment is due; and
- 4316 (B) the owner submits a written request for a refund.
- 4317 (c) A local entity is not required to pay interest on an overpayment that it holds.

4318 Section 71. Section **11-42-416** is enacted to read:

4319 **11-42-416. Validation of prior assessment proceedings.**

4320 (1) Subject to Subsection (2), all proceedings taken before April 30, 2007 related to the
4321 levy of assessments are validated, ratified, and confirmed, and the assessments are declared to
4322 be legal and valid assessments.

4323 (2) Nothing in this section may be construed to affect the validity of an assessment
4324 whose legality is being contested on April 30, 2007.

4325 (3) (a) This chapter applies to all assessments levied after April 30, 2007, even though
4326 proceedings were taken before that date under provisions of the law then in effect but repealed
4327 or modified on or after that date.

4328 (b) Proceedings taken as described in Subsection (3)(a) under the law in effect before
4329 April 30, 2007 are validated, ratified, and confirmed, except to the extent that those
4330 proceedings are the subject of an action pending on April 30, 2007 challenging the
4331 proceedings.

4332 Section 72. Section **11-42-501** is enacted to read:

4333 **Part 5. Assessment Liens**

4334 **11-42-501. Assessment constitutes a lien -- Characteristics of an assessment lien.**

4335 (1) Each assessment levied under this chapter, including any installment of an
4336 assessment, interest, and any penalties and costs of collection, constitutes a lien against the
4337 property assessed as of the effective date of the assessment resolution or ordinance.

4338 (2) A lien under this section:

4339 (a) is superior to the lien of a trust deed, mortgage, mechanic's or materialman's lien, or
4340 other encumbrances;

4341 (b) is equal to and on a parity with a lien for general property taxes;

4342 (c) applies without interruption, change in priority, or alteration in any manner to any
4343 reduced payment obligations; and

4344 (d) continues until the assessments, reduced payment obligations, and any interest,
4345 penalties, and costs are paid, despite a sale of the property for or on account of a delinquent
4346 general property tax, special tax, or other assessment or the issuance of a tax deed, an
4347 assignment of interest by the county, or a sheriff's certificate of sale or deed.

4348 Section 73. Section **11-42-502** is enacted to read:

4349 **11-42-502. Enforcement of an assessment lien -- Methods of enforcing lien --**
4350 **Redemption of property -- Remedies are cumulative to other remedies.**

4351 (1) If an assessment or an installment of an assessment is not paid when due, the local
4352 entity may sell the property on which the assessment has been levied for the amount due plus
4353 interest, penalties, and costs, in the manner provided:

4354 (a) by resolution or ordinance of the local entity;

4355 (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for
4356 delinquent general property taxes; or

4357 (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a
4358 trust deed in favor of the local entity.

4359 (2) Except as modified by this chapter, each tax sale under Subsection (1)(b) shall be
4360 governed by Title 59, Chapter 2, Part 13, Collection of Taxes, to the same extent as if the sale
4361 were for the sale of property for delinquent general property taxes.

4362 (3) (a) In a foreclosure under Subsection (1)(c):

4363 (i) the local entity may bid at the sale;

4364 (ii) the local entity's governing body shall designate a trustee satisfying the
4365 requirements of Section 57-1-21;

4366 (iii) each trustee designated under Subsection (3)(a)(ii) has a power of sale with respect
4367 to the property that is the subject of the delinquent assessment lien;

4368 (iv) the property that is the subject of the delinquent assessment lien is considered to
4369 have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to

4370 exercise the trustee's power of sale under Subsection (3)(a)(iii);
 4371 (v) if no one bids at the sale and pays the local entity the amount due on the
 4372 assessment, plus interest and costs, the property is considered sold to the local entity for those
 4373 amounts; and

4374 (vi) the local entity's chief financial officer may substitute and appoint one or more
 4375 successor trustees, as provided in Section 57-1-22.

4376 (b) The designation of a trustee under Subsection (3)(a)(ii) shall be disclosed in the
 4377 notice of default that the trustee gives to commence the foreclosure, and need not be stated in a
 4378 separate instrument.

4379 (4) (a) The redemption of property that is the subject of a tax sale under Subsection
 4380 (1)(b) is governed by Title 59, Chapter 2, Part 13, Collection of Taxes.

4381 (b) The redemption of property that is the subject of a foreclosure proceeding under
 4382 Subsection (1)(c) is governed by Title 57, Chapter 1, Conveyances.

4383 (5) (a) The remedies provided for in this part for the collection of an assessment and
 4384 the enforcement of an assessment lien are cumulative.

4385 (b) The use of one or more of the remedies provided for in this part may not be
 4386 considered to deprive the local entity of any other remedy or means of collecting the
 4387 assessment or enforcing the assessment lien.

4388 Section 74. Section **11-42-503** is enacted to read:

4389 **11-42-503. Local entity payments to avoid a default in local entity obligations --**
 4390 **Reimbursement of payments when property sold at tax or foreclosure sale.**

4391 (1) To avoid a default in the payment of outstanding local entity obligations, a local
 4392 entity may pay:

4393 (a) the delinquent amount due, plus interest, penalties, and costs;

4394 (b) the amounts described in Subsection (1)(a) and the full balance of an assessment, if
 4395 accelerated; or

4396 (c) any part of an assessment or an installment of an assessment that becomes due
 4397 during the redemption period.

4398 (2) A local entity may:

4399 (a) pay the amounts under Subsection (1) from a guaranty fund or a reserve fund, or
4400 from any money legally available to the local entity; and

4401 (b) charge the amounts paid against the delinquent property.

4402 (3) (a) Upon the tax sale or foreclosure of the property charged as provided in
4403 Subsection (2):

4404 (i) all amounts that the local entity paid shall be included in the sale price of the
4405 property recovered in the sale; and

4406 (ii) the local entity's guaranty fund, reserve fund, or other source of money paid under
4407 Subsection (2)(a), as the case may be, shall be reimbursed for those amounts.

4408 (b) If the property charged as provided in Subsection (2) is sold to the local entity at the
4409 tax sale or foreclosure and additional assessment installments become due, the local entity:

4410 (i) may pay the additional installments from the guaranty fund or reserve fund, as the
4411 case may be, or from any legally available money;

4412 (ii) shall recover, in a sale of the property, the amount of the installments paid; and

4413 (iii) shall reimburse the guaranty fund or reserve fund when the property is sold.

4414 Section 75. Section **11-42-504** is enacted to read:

4415 **11-42-504. Assessments on property that the local entity acquires at tax sale or**
4416 **foreclosure -- Transferring title of property in lieu of paying assessments --**
4417 **Reimbursement.**

4418 (1) (a) Each local entity that purchases property at a tax sale or foreclosure under this
4419 part shall pay into the assessment fund all applicable annual installments of assessments and
4420 interest for as long as the local entity owns the property.

4421 (b) A local entity may make payments required under this Subsection (1) from the
4422 guaranty fund or reserve fund.

4423 (2) (a) In lieu of making payments under Subsection (1), a local entity may elect to
4424 transfer title of the property to the owners of all outstanding assessment bonds, refunding
4425 assessment bonds, interim warrants, or bond anticipation notes as payment in full for all

4426 delinquent assessments with respect to the property.

4427 (b) If a local entity transfers title to property as provided in Subsection (2)(a) or sells
4428 property it has received from a tax sale or foreclosure, the selling price may not be less than the
4429 amount sufficient to reimburse the local entity for all amounts the local entity paid with respect
4430 to an assessment on the property, including an amount sufficient to reimburse the guaranty
4431 fund or reserve fund, as the case may be, for all amounts paid from the fund for delinquent
4432 assessments or installments of assessments relating to the property, plus interest, penalties, and
4433 costs.

4434 (c) Each local entity that sells property it has received from a tax sale or foreclosure
4435 shall place the money it receives from the sale into the guaranty fund, reserve fund, or other
4436 local entity fund, as the case may be, to the extent of full reimbursement as required in this
4437 section.

4438 Section 76. Section **11-42-505** is enacted to read:

4439 **11-42-505. Default in the payment of an installment of an assessment -- Interest**
4440 **and costs -- Restoring the property owner to the right to pay installments.**

4441 (1) If an assessment is payable in installments and a default occurs in the payment of an
4442 installment when due, the governing body may:

4443 (a) declare the delinquent amount to be immediately due and subject to collection as
4444 provided in this chapter;

4445 (b) accelerate payment of the total unpaid balance of the assessment and declare the
4446 whole of the unpaid principal and the interest then due to be immediately due and payable; and

4447 (c) charge and collect all costs of collection, including attorney fees.

4448 (2) Interest shall accrue from the date of delinquency on all applicable amounts under
4449 Subsections (1)(a) and (b) until paid in full.

4450 (3) Any interest assessed for or collection costs charged under this section shall be:

4451 (a) the same as apply to delinquent real property taxes for the year in which the balance
4452 of the fee or charge becomes delinquent; or

4453 (b) as the governing body determines.

4454 (4) Notwithstanding Subsection (1), a property owner shall be restored to the right to
4455 pay an assessment in installments in the same manner as if no default had occurred if the owner
4456 pays the amount of all unpaid installments that are past due, with interest, collection and
4457 foreclosure costs, and administrative, redemption, and other fees, including attorney fees,
4458 before:

4459 (a) the final date that payment may be legally made under a final sale or foreclosure of
4460 property to collect delinquent assessment installments, if collection is enforced under Title 59,
4461 Chapter 2, Part 13, Collection of Taxes; or

4462 (b) the end of the three-month reinstatement period provided by Section 57-1-31, if
4463 collection is enforced through the method of foreclosing trust deeds.

4464 Section 77. Section **11-42-506** is enacted to read:

4465 **11-42-506. Release and discharge of assessment lien -- Notice of dissolution of**
4466 **assessment area.**

4467 (1) (a) Upon an assessment on a parcel of property having been paid in full, the local
4468 entity shall file, in the office of the recorder of the county in which the property is located, a
4469 release and discharge of the assessment lien on that property.

4470 (b) Each release and discharge under Subsection (1)(a) shall:

4471 (i) include a legal description of the affected property; and

4472 (ii) comply with other applicable requirements for recording a document.

4473 (2) (a) Upon all assessments levied within an assessment area having been paid in full,
4474 or upon payment in full having been provided for, the local entity shall file, in the office of the
4475 recorder of the county in which the property within the assessment area is located, a notice of
4476 the dissolution of the assessment area.

4477 (b) Each notice under Subsection (2)(a) shall:

4478 (i) include a legal description of the property assessed within the assessment area; and

4479 (ii) comply with all other applicable requirements for recording a document.

4480 Section 78. Section **11-42-601** is enacted to read:

4481 **Part 6. Interim Warrants, Bond Anticipation Notes, Assessment Bonds, and Refunding**

Assessment Bonds

- 4482
- 4483 **11-42-601. Interim warrants.**
- 4484 (1) A local entity may issue interim warrants against an assessment area.
- 4485 (2) An interim warrant may be in any amount up to:
- 4486 (a) as portions of the work on improvements in an assessment area are completed, 90%
- 4487 of the value of the completed work, as estimated by the local entity's project engineer;
- 4488 (b) 100% of the value of the work completed, after completion of the work and
- 4489 acceptance of the work by the local entity's project engineer; and
- 4490 (c) the price of property, the acquisition of which is required for an improvement.
- 4491 (3) The governing body may:
- 4492 (a) issue interim warrants at not less than par value in a manner the governing body
- 4493 determines; and
- 4494 (b) use the proceeds from the issuance of interim warrants to pay:
- 4495 (i) the contract price;
- 4496 (ii) the property price; and
- 4497 (iii) related costs, including overhead costs.
- 4498 (4) (a) Interim warrants shall bear interest from the date of their issuance until paid.
- 4499 (b) (i) The governing body shall:
- 4500 (A) approve the interest rate applicable to interim warrants; and
- 4501 (B) fix a maturity date for each interim warrant.
- 4502 (ii) The interest rate applicable to interim warrants may be fixed or variable or a
- 4503 combination of fixed and variable.
- 4504 (iii) If interim warrants carry a variable interest rate, the governing body shall specify
- 4505 the basis upon which the rate is to be determined, the manner in which the rate is to be
- 4506 adjusted, and a maximum interest rate.
- 4507 (iv) A local entity may provide for interest on interim warrants to be paid
- 4508 semiannually, annually, or at maturity.
- 4509 (v) If an interim warrant matures before the local entity has available sources of

4510 payment under Section 11-42-603, the local entity may authorize the issuance of a new interim
4511 warrant to pay the principal and interest on the maturing warrant.

4512 (c) The local entity shall include interest accruing on interim warrants in the cost of
4513 improvements in the assessment area.

4514 (5) A local entity may purchase some or all of the interim warrants it has issued using
4515 the local entity's general fund money.

4516 Section 79. Section **11-42-602** is enacted to read:

4517 **11-42-602. Bond anticipation notes.**

4518 (1) A local entity may by resolution authorize the issuance of bond anticipation notes.

4519 (2) A local entity may use the proceeds from the issuance of bond anticipation notes to
4520 pay:

4521 (a) the estimated acquisition and contract price;

4522 (b) the property price; and

4523 (c) related costs, including overhead costs.

4524 (3) Each resolution authorizing the issuance of bond anticipation notes shall:

4525 (a) describe the bonds in anticipation of which the bond anticipation notes are to be
4526 issued;

4527 (b) specify the principal amount and maturity dates of the notes; and

4528 (c) specify the interest rate applicable to the notes.

4529 (4) (a) The interest rate on bond anticipation notes issued under this section may be
4530 fixed, variable, or a combination of fixed and variable, as determined by the governing body.

4531 (b) If bond anticipation notes carry a variable interest rate, the governing body shall
4532 specify the basis upon which the rate is to be determined, the manner in which the rate is to be
4533 adjusted, and a maximum interest rate.

4534 (c) A local entity may provide for interest on bond anticipation notes to be paid
4535 semiannually, annually, or at maturity.

4536 (5) A local entity may:

4537 (a) issue and sell bond anticipation notes in a manner and at a price, either at, below, or

4538 above face value, as the governing body determines by resolution; and

4539 (b) make bond anticipation notes redeemable prior to maturity, at the governing body's
4540 option and in the manner and upon the terms fixed by the resolution authorizing their issuance.

4541 (6) Bond anticipation notes shall be executed, be in a form, and have details and terms
4542 as provided in the resolution authorizing their issuance.

4543 (7) A local entity may issue bond anticipation notes to refund bond anticipation notes
4544 previously issued by the local entity.

4545 Section 80. Section **11-42-603** is enacted to read:

4546 **11-42-603. Sources of payment for interim warrants and bond anticipation notes.**

4547 Each local entity that has issued interim warrants or bond anticipation notes shall pay
4548 the warrants or notes from:

4549 (1) proceeds from the sale of assessment bonds;

4550 (2) cash the local entity receives from the payment for improvements;

4551 (3) improvement revenues that are not pledged to the payment of assessment bonds;

4552 (4) proceeds from the sale of interim warrants or bond anticipation notes; or

4553 (5) the local entity's guaranty fund or, if applicable, the reserve fund.

4554 Section 81. Section **11-42-604** is enacted to read:

4555 **11-42-604. Notice regarding resolution or ordinance authorizing interim warrants**

4556 **or bond anticipation notes -- Complaint contesting warrants or notes -- Prohibition**

4557 **against contesting warrants and notes.**

4558 (1) A local entity may publish notice, as provided in Subsection (2), of a resolution or
4559 ordinance that the governing body has adopted authorizing the issuance of interim warrants or
4560 bond anticipation notes.

4561 (2) (a) If a local entity chooses to publish notice under Subsection (1)(a), the notice
4562 shall:

4563 (i) be published in a newspaper of general circulation within the local entity;

4564 (ii) contain:

4565 (A) the name of the issuer of the interim warrants or bond anticipation notes;

- 4566 (B) the purpose of the issue;
- 4567 (C) the maximum principal amount that may be issued;
- 4568 (D) the maximum length of time over which the interim warrants or bond anticipation
4569 notes may mature;
- 4570 (E) the maximum interest rate, if there is a maximum rate; and
- 4571 (F) the times and place where a copy of the resolution or ordinance may be examined,
4572 as required under Subsection (2)(b).

4573 (b) The local entity shall allow examination of the resolution or ordinance authorizing
4574 the issuance of the interim warrants or bond anticipation notes at its office during regular
4575 business hours.

4576 (3) Any person may, within 30 days after publication of a notice under Subsection (1),
4577 file a verified, written complaint in the district court of the county in which the person resides,
4578 contesting the regularity, formality, or legality of the interim warrants or bond anticipation
4579 notes issued by the local entity or the proceedings relating to the issuance of the interim
4580 warrants or bond anticipation notes.

4581 (4) After the 30-day period under Subsection (3), no person may contest the regularity,
4582 formality, or legality of the interim warrants or bond anticipation notes issued by a local entity
4583 under the resolution or ordinance that was the subject of the notice under Subsection (1), or the
4584 proceedings relating to the issuance of the interim warrants or bond anticipation notes.

4585 Section 82. Section **11-42-605** is enacted to read:

4586 **11-42-605. Local entity may authorize the issuance of assessment bonds -- Limit**
4587 **on amount of bonds -- Features of assessment bonds.**

4588 (1) After the 25-day prepayment period under Subsection 11-42-411(6) has passed or,
4589 if the 25-day prepayment period is waived under Section 11-42-104, after the assessment
4590 resolution or ordinance takes effect, a local entity may authorize the issuance of bonds to pay
4591 the costs of improvements in an assessment area, and other related costs, against the funds that
4592 the local entity will receive because of an assessment in an assessment area.

4593 (2) The aggregate principal amount of bonds authorized under Subsection (1) may not

4594 exceed the unpaid balance of assessments at the end of the 25-day prepayment period under
4595 Subsection 11-42-411(5).

4596 (3) Assessment bonds issued under this section:

4597 (a) are fully negotiable for all purposes;

4598 (b) shall mature at a time that does not exceed the period that installments of
4599 assessments in the assessment area are due and payable, plus one year;

4600 (c) shall bear interest at the lowest rate or rates reasonably obtainable;

4601 (d) may not be dated earlier than the effective date of the assessment ordinance;

4602 (e) shall be payable at the place, shall be in the form, and shall be sold in the manner
4603 and with the details that are provided in the resolution authorizing the issuance of the bonds;

4604 (f) shall be issued, as the governing body determines:

4605 (i) in bearer form, with or without interest coupons attached; or

4606 (ii) in registered form as provided in Title 15, Chapter 7, Registered Public Obligations
4607 Act; and

4608 (g) provide that interest be paid semiannually, annually, or at another interval as
4609 specified by the governing body.

4610 (4) (a) A local entity may:

4611 (i) (A) provide that assessment bonds be callable for redemption before maturity; and
4612 (B) fix the terms and conditions of redemption, including the notice to be given and
4613 any premium to be paid;

4614 (ii) subject to Subsection (4)(b), require assessment bonds to bear interest at a fixed or
4615 variable rate, or a combination of fixed and variable rates;

4616 (iii) specify terms and conditions under which:

4617 (A) assessment bonds bearing interest at a variable interest rate may be converted to
4618 bear interest at a fixed interest rate; and

4619 (B) the local entity agrees to repurchase the bonds; and

4620 (iv) engage a remarketing agent and indexing agent, subject to the terms and conditions
4621 that the governing body agrees to;

4622 (v) include all costs associated with assessment bonds, including any costs resulting
4623 from any of the actions the local entity is authorized to take under this section, in an assessment
4624 levied under Section 11-42-401.

4625 (b) If assessment bonds carry a variable interest rate, the local entity shall specify:

4626 (i) the basis upon which the variable rate is to be determined over the life of the bonds;

4627 (ii) the manner in which and schedule upon which the rate is to be adjusted; and

4628 (iii) a maximum rate that the bonds may carry.

4629 (5) (a) Nothing in this part may be construed to authorize the issuance of assessment
4630 bonds to pay for the cost of ordinary repairs to pavement, sewers, drains, curbing, gutters, or
4631 sidewalks.

4632 (b) Notwithstanding Subsection (5)(a), a local entity may issue assessment bonds to
4633 pay for extraordinary repairs to pavement, sewers, drains, curbing, gutters, or sidewalk.

4634 (c) A local entity's governing body may define by resolution or ordinance what
4635 constitutes ordinary repairs and extraordinary repairs for purposes of this Subsection (5).

4636 (d) Nothing in this Subsection (5) may be construed to limit a local entity from levying
4637 an assessment within an assessment area to pay operation and maintenance costs as described
4638 in a notice under Section 11-42-402.

4639 (6) If a local entity has issued bond anticipation notes under Section 11-42-602 in
4640 anticipation of assessment bonds that the local entity issues under this part, the local entity
4641 shall provide for the retirement of the bond anticipation notes contemporaneously with the
4642 issuance of the assessment bonds.

4643 Section 83. Section **11-42-606** is enacted to read:

4644 **11-42-606. Assessment bonds are not a local entity's general obligation -- Liability**
4645 **and responsibility of a local entity that issues assessment bonds.**

4646 (1) Assessment bonds are not a general obligation of the local entity that issues them.

4647 (2) A local entity that issues assessment bonds:

4648 (a) may not be held liable for payment of the bonds except to the extent of:

4649 (i) funds created and received from assessments against which the bonds are issued;

4650 (ii) improvement revenues; and
 4651 (iii) the local entity's guaranty fund under Section 11-42-701 or, if applicable, reserve
 4652 fund under Section 11-42-702; and
 4653 (b) is responsible for:
 4654 (i) the lawful levy of all assessments;
 4655 (ii) the collection and application of improvement revenues, as provided in this
 4656 chapter;
 4657 (iii) the creation and maintenance of a guaranty fund or, if applicable, a reserve fund;
 4658 and
 4659 (iv) the faithful accounting, collection, settlement, and payment of:
 4660 (A) assessments and improvement revenues; and
 4661 (B) money in a guaranty fund or, if applicable, a reserve fund.
 4662 (3) If a local entity illegally assesses property that is exempt from assessment, the local
 4663 entity:
 4664 (a) is liable to the holders of assessment bonds for the payment of the illegal
 4665 assessment; and
 4666 (b) shall pay the amount for which it is liable under Subsection (3)(a) from the local
 4667 entity's general fund or other legally available money.
 4668 Section 84. Section **11-42-607** is enacted to read:
 4669 **11-42-607. Refunding assessment bonds.**
 4670 (1) A local entity may, by a resolution adopted by the governing body, authorize the
 4671 issuance of refunding assessment bonds as provided in this section, in whole or in part, whether
 4672 at or before the maturity of the prior bonds, at stated maturity, upon redemption, or declaration
 4673 of maturity.
 4674 (2) (a) Subject to Subsection (2)(b), the issuance of refunding assessment bonds is
 4675 governed by Title 11, Chapter 27, Utah Refunding Bond Act.
 4676 (b) If there is a conflict between a provision of Title 11, Chapter 27, Utah Refunding
 4677 Bond Act, and a provision of this part, the provision of this part governs.

4678 (3) In issuing refunding assessment bonds, the local entity shall require the refunding
4679 assessment bonds and interest on the bonds to be payable from and secured, to the extent the
4680 prior bonds were payable from and secured, by:

- 4681 (a) (i) the same assessments; or
- 4682 (ii) the reduced assessments adopted by the governing body under Section 11-42-608;
- 4683 (b) the guaranty fund or, if applicable, reserve fund; and
- 4684 (c) improvement revenues.

4685 (4) Refunding assessment bonds:

- 4686 (a) shall be payable solely from the sources described in Subsection (3);
- 4687 (b) shall mature no later than the date that is one year after the final maturity of the
4688 prior bonds;
- 4689 (c) may not mature at a time or bear interest at a rate that will cause the local entity to
4690 be unable to pay, from the sources listed in Subsection (3), the bonds when due;

4691 (d) shall bear interest as the governing body determines, subject to the provisions of
4692 Section 11-42-605 relating to interest;

- 4693 (e) may be issued to pay one or more issues of the local entity's prior bonds; and
- 4694 (f) if issued to refund two or more issues of prior bonds, may be issued in one or more
4695 series.

4696 (5) A local entity may provide for the payment of incidental costs associated with
4697 refunding assessment bonds:

4698 (a) by advancing money from the local entity's general fund or other fund, if the local
4699 entity's governing body:

4700 (i) determines that the advance is in the best interests of the local entity and its citizens,
4701 including the owners of property within the assessment area; and

4702 (ii) provides that the assessments, interest on assessments, and improvement revenue
4703 from which the prior bonds are payable not be reduced during the period necessary to provide
4704 funds from those sources to reimburse the local entity with interest at the same rate that applies
4705 to the assessments;

4706 (b) from premiums that the local entity receives from the sale of refunding assessment
4707 bonds;

4708 (c) from earnings on the investment of refunding assessment bonds pending their use to
4709 refund prior bonds;

4710 (d) from any other sources legally available to the local entity for this purpose; or

4711 (e) from any combination of Subsections (5)(a) through (d).

4712 Section 85. Section **11-42-608** is enacted to read:

4713 **11-42-608. Reducing assessments after issuance of refunding assessment bonds.**

4714 (1) Each local entity that issues refunding assessment bonds shall adopt a resolution or
4715 ordinance amending the assessment resolution or assessment ordinance previously adopted.

4716 (2) Each amending resolution or ordinance under Subsection (1) shall:

4717 (a) reduce, as determined by the local entity's governing body:

4718 (i) the assessments levied under the previous resolution or ordinance;

4719 (ii) the interest payable on the assessments levied under the previous resolution or
4720 ordinance; or

4721 (iii) both the assessments levied under the previous resolution or ordinance and the
4722 interest payable on those assessments;

4723 (b) allocate the reductions under Subsection (2)(a) so that the then unpaid assessments
4724 levied against benefitted property within the assessment area and the unpaid interest on those
4725 assessments receive a proportionate share of the reductions;

4726 (c) (i) state the amounts of the reduced payment obligation for each property assessed
4727 in the prior resolution or ordinance; or

4728 (ii) incorporate by reference a revised assessment list approved by the governing body
4729 containing the reduced payment obligations; and

4730 (d) state the effective date of any reduction in the assessment levied in the prior
4731 resolution or ordinance.

4732 (3) A resolution or ordinance under Subsection (2) is not required to describe each
4733 block, lot, part of block or lot, tract, or parcel of property assessed.

4734 (4) Each reduction under Subsection (2)(a) shall be the amount by which the principal
4735 or interest or both payable on the refunding assessment bonds, after accounting for incidental
4736 refunding costs associated with the refunding assessment bonds, is less than the amount of
4737 principal or interest or both payable on the prior bonds.

4738 (5) A reduction under Subsection (2)(a) does not apply to an assessment or interest
4739 paid before the reduction.

4740 (6) A resolution or ordinance under Subsection (2) may not become effective before
4741 the date when all principal, interest, any redemption premium on the prior bonds, and any
4742 advances made under Subsection 11-42-607(5)(a) are fully paid or legally considered to be
4743 paid.

4744 (7) (a) At least 21 days before the first payment of a reduced assessment becomes due,
4745 each local entity shall provide notice of the reduced payment obligations resulting from
4746 adoption of a resolution or ordinance under Subsection (2) by mailing, postage prepaid, a
4747 notice to each owner of benefitted property within the assessment area at the owner's mailing
4748 address.

4749 (b) Each notice under Subsection (7)(a) shall:

4750 (i) identify the property subject to the assessment; and

4751 (ii) state the amount of the reduced payment obligations that will be payable after the
4752 applicable date stated in the resolution or ordinance under Subsection (1).

4753 (c) A notice under Subsection (7)(a) may:

4754 (i) contain other information that the governing body considers appropriate; and

4755 (ii) be included with any other notice regarding the payment of an assessment and
4756 interest that the local entity sends to property owners in the assessment area within the time and
4757 addressed as required under Subsection (7)(a).

4758 (d) The validity of a resolution or ordinance under Subsection (1) is not affected by:

4759 (i) a local entity's failure to provide notice as required under this Subsection (7); or

4760 (ii) a defect in the content of the notice or the manner or time in which the notice was
4761 provided.

4762 (e) Whether or not notice under this Subsection (7) is properly given, no other notice is
4763 required to be given to owners of property within an assessment area in connection with the
4764 issuance of refunding assessment bonds.

4765 (8) Except for the amount of reduction to a prior assessment or interest on a prior
4766 assessment, neither the issuance of refunding assessment bonds nor the adoption of a resolution
4767 or ordinance under Subsection (1) affects:

4768 (a) the validity or continued enforceability of a prior assessment or interest on the
4769 assessment; or

4770 (b) the validity, enforceability, or priority of an assessment lien.

4771 (9) Each reduction of a prior assessment and the interest on the assessment shall
4772 continue to exist in favor of the refunding assessment bonds.

4773 (10) Even after payment in full of the prior bonds that are refunded by refunding
4774 assessment bonds, an assessment lien continues to exist to secure payment of the reduced
4775 payment obligations, the penalties and costs of collection of those obligations, and the
4776 refunding assessment bonds in the same manner, to the same extent, and with the same priority
4777 as the assessment lien.

4778 (11) A lien securing a reduced payment obligation from which refunding assessment
4779 bonds are payable and by which the bonds are secured is subordinate to an assessment lien
4780 securing the original or prior assessment and prior bonds until the prior bonds are paid in full
4781 or legally considered to be paid in full.

4782 (12) Unless prior bonds are paid in full simultaneously with the issuance of refunding
4783 assessment bonds, the local entity shall:

4784 (a) irrevocably set aside the proceeds of the refunding assessment bonds in an escrow
4785 or other separate account; and

4786 (b) pledge that account as security for the payment of the prior bonds, refunding
4787 assessment bonds, or both.

4788 (13) This part applies to all refunding assessment bonds:

4789 (a) whether already issued or yet to be issued; and

4790 (b) even though the prior bonds they refunded were issued under prior law, whether or
4791 not that law is currently in effect.

4792 Section 86. Section **11-42-609** is enacted to read:

4793 **11-42-609. Validation of previously issued obligations.**

4794 (1) Subject to Subsection (2):

4795 (a) all local entity obligations issued by a local entity before April 30, 2007 are:

4796 (i) validated, ratified, and confirmed; and

4797 (ii) declared to constitute legally binding obligations in accordance with their terms;

4798 and

4799 (b) all proceedings before April 30, 2007 related to the authorization and issuance of
4800 local entity obligations are validated, ratified, and confirmed.

4801 (2) Nothing in this section may be construed to affect the validity of local entity
4802 obligations, a guaranty fund, or a reserve fund whose legality is being contested on April 30,
4803 2007.

4804 (3) (a) This chapter applies to all local entity obligations issued after April 30, 2007,
4805 even though proceedings were taken before that date under provisions of the law then in effect
4806 but repealed or modified on or after that date.

4807 (b) Proceedings taken as described in Subsection (3)(a) under the law in effect before
4808 April 30, 2007 are validated, ratified, and confirmed, subject to question only as provided in
4809 Section 11-42-106.

4810 (4) The validity of local entity obligations issued before April 30, 2007 is not affected
4811 by changes to the law under which they were issued that become effective on or after April 30,
4812 2007.

4813 Section 87. Section **11-42-701** is enacted to read:

4814 **Part 7. Guaranty and Reserve Funds**

4815 **11-42-701. Guaranty fund.**

4816 (1) Except as provided in Section 11-42-702, each local entity that issues assessment
4817 bonds shall:

4818 (a) create a guaranty fund, as provided in this section, to secure bonds, to the extent of
4819 the money in the fund; and

4820 (b) fund the guaranty fund by:

4821 (i) appropriations from the local entity's general fund;

4822 (ii) a property tax levy of not to exceed .0002 per dollar of taxable value of taxable
4823 property within the local entity's jurisdictional boundaries;

4824 (iii) issuing general obligation bonds; or

4825 (iv) appropriations from other sources as determined by the local entity's governing
4826 body.

4827 (2) A tax levied by a local entity under Subsection (1)(b)(ii) to fund a guaranty fund is
4828 not included for purposes of calculating the maximum levy limitation applicable to the local
4829 entity.

4830 (3) A local entity may covenant for the benefit of bond holders that, as long as the
4831 bonds are outstanding and unpaid, the local entity will:

4832 (a) create a guaranty fund as provided in this section;

4833 (b) (i) to the extent legally permissible and by any of the methods described in
4834 Subsection (1)(b), transfer each year to the guaranty fund an amount of money up to the
4835 amount the local entity would collect by levying a tax of .0002 per dollar of taxable value of
4836 taxable property within the local entity until the balance in the guaranty fund equals 10% of the
4837 amount of all outstanding bonds; and

4838 (ii) in subsequent years transfer to the guaranty fund the amount necessary to replenish
4839 or maintain the guaranty fund at 10% of the amount of all outstanding bonds; and

4840 (c) invest the funds on deposit in the guaranty fund as provided in Title 51, Chapter 7,
4841 State Money Management Act.

4842 (4) A local entity may create subaccounts within a guaranty fund for each issue of
4843 outstanding assessment bonds and refunding assessment bonds in a manner that the local
4844 entity's governing body considers appropriate to allocate among the bond issues the securities
4845 held in and interest earnings on the guaranty fund for purposes of complying with federal law.

4846 (5) A local entity may transfer to its general fund any money in its guaranty fund that
4847 exceeds 10% of the amount of all of the local entity's outstanding assessment bonds and
4848 refunding assessment bonds that are secured by the guaranty fund.

4849 (6) For purposes of Subsections (3)(b) and (5), refunding assessment bonds may not be
4850 considered outstanding until the principal of and interest and any redemption premiums on the
4851 prior bonds that are refunded by the refunding assessment bonds are fully paid or legally
4852 considered to be paid.

4853 Section 88. Section **11-42-702** is enacted to read:

4854 **11-42-702. Reserve fund.**

4855 (1) In lieu of creating and funding a guaranty fund under Section 11-42-701 for an
4856 issue of assessment bonds or refunding assessment bonds, a local entity may establish a reserve
4857 fund to secure the issue.

4858 (2) If a local entity establishes a reserve fund under this section:

4859 (a) the bonds secured by the reserve fund are not secured by a guaranty fund under
4860 Section 11-42-701;

4861 (b) the local entity is not required to fund a guaranty fund under Section 11-42-701 for
4862 those bonds; and

4863 (c) unless otherwise provided in this part or in the proceedings authorizing the issuance
4864 of bonds, the provisions of this part regarding a guaranty fund have no application to the bonds
4865 that are secured by the reserve fund.

4866 (3) Each local entity that establishes a reserve fund shall:

4867 (a) fund and replenish the reserve fund in the amounts and manner provided in the
4868 proceedings authorizing the issuance of the bonds that are secured by the reserve fund; and

4869 (b) invest the funds on deposit in the reserve fund as provided in Title 51, Chapter 7,
4870 State Money Management Act.

4871 (4) (a) Subject to Subsection (4)(b), a local entity may replenish a reserve fund under
4872 this section by any of the methods described in Subsection 11-42-701(1)(b).

4873 (b) The proceedings authorizing the issuance of assessment bonds or refunding bonds

4874 shall provide that if a local entity uses any of the methods described in Subsection
4875 11-42-701(1)(b) to replenish a reserve fund, the local entity shall be reimbursed, with interest
4876 at a rate that the local entity determines, with money that the local entity receives from
4877 foreclosing on delinquent property.

4878 (5) Upon the retirement of bonds secured by a reserve fund, the local entity shall:

4879 (a) terminate the reserve fund; and

4880 (b) disburse all remaining money in the fund as provided in the proceedings
4881 authorizing the issuance of the bonds.

4882 Section 89. Section **11-42-703** is enacted to read:

4883 **11-42-703. Payment from guaranty fund or reserve fund if insufficient funds**
4884 **available in the assessment fund -- Payment by warrant from guaranty fund or reserve**
4885 **fund -- Subrogation.**

4886 (1) If a bond is presented to the local entity for payment at a time when there is
4887 insufficient money in the assessment fund to pay the amount due, the local entity shall pay the
4888 amount due from the guaranty fund or, if applicable, reserve fund.

4889 (2) If there is insufficient money in the guaranty fund or, if applicable, the reserve fund
4890 to pay the amount due under Subsection (1), the local entity may pay by a warrant drawn
4891 against the guaranty fund or, if applicable, reserve fund.

4892 (3) If a local entity pays from its guaranty fund or reserve fund any principal or interest
4893 owing under a bond:

4894 (a) the local entity is subrogated to the rights of the bond holders; and

4895 (b) the proceeds from the bond shall become part of the guaranty fund or reserve fund,
4896 as the case may be.

4897 Section 90. Section **11-42-704** is enacted to read:

4898 **11-42-704. Transfers from local entity funds to replenish guaranty fund or**
4899 **reserve fund.**

4900 If the guaranty fund or, if applicable, the reserve fund has insufficient money for the
4901 local entity to purchase property on which it bids at a sale under Part 5, Assessment Liens, for

4902 delinquent assessments, the local entity may transfer or appropriate money from its general
4903 fund or other available sources, as the governing body determines, to replenish the guaranty
4904 fund or reserve fund.

4905 Section 91. Section **11-42-705** is enacted to read:

4906 **11-42-705. Warrants to meet guaranty fund and reserve fund liabilities -- Levy to**
4907 **pay warrants authorized -- Limit on the levy.**

4908 (1) A local entity may issue warrants, bearing interest at a rate determined by the
4909 governing body, against a guaranty fund or reserve fund to meet any financial liabilities
4910 accruing against the fund.

4911 (2) (a) If a local entity issues warrants under Subsection (1), the local entity shall,
4912 subject to Subsection (2)(b), include in its next annual tax levy an amount sufficient, with other
4913 guaranty fund or reserve fund resources, to pay all issued and outstanding warrants under
4914 Subsection (1) for all assessment areas within the local entity.

4915 (b) A levy under Subsection (2)(a):

4916 (i) may not exceed .0002 per dollar of taxable value of taxable property in the local
4917 entity; and

4918 (ii) is exempt from the statutory limit applicable to the local entity's property tax levy.

4919 Section 92. Section **11-42-706** is enacted to read:

4920 **11-42-706. Validation of prior guaranty fund or reserve fund proceedings.**

4921 (1) Subject to Subsection (2), all proceedings before April 30, 2007 related to the
4922 creation, maintenance, and use of a guaranty fund or reserve fund are validated, ratified, and
4923 confirmed.

4924 (2) Nothing in this section may be construed to affect the validity of a guaranty fund or
4925 reserve fund whose legality is being contested on April 30, 2007.

4926 Section 93. Section **14-1-18** is amended to read:

4927 **14-1-18. Definitions -- Application of Procurement Code to payment and**
4928 **performance bonds.**

4929 (1) (a) For purposes of this chapter, "political subdivision" means any county, city,

4930 town, school district, [~~public transit district, special~~] local district, [~~redevelopment~~] special
 4931 service district, community development and renewal agency, public corporation, institution of
 4932 higher education of the state, public agency of any political subdivision, and, to the extent
 4933 provided by law, any other entity which expends public funds for construction.

4934 (b) For purposes of applying Section 63-56-504 to a political subdivision, "state"
 4935 includes "political subdivision."

4936 (2) Section 63-56-504 applies to all contracts for the construction, alteration, or repair
 4937 of any public building or public work of the state or a political subdivision of the state.

4938 Section 94. Section **15-7-2** is amended to read:

4939 **15-7-2. Definitions.**

4940 As used in this chapter:

4941 (1) "Authorized officer" means any individual required or permitted by any law or by
 4942 the issuing public entity to execute on behalf of the public entity, a certificated registered
 4943 public obligation or a writing relating to an uncertificated registered public obligation.

4944 (2) "Certificated registered public obligation" means a registered public obligation
 4945 which is represented by an instrument.

4946 (3) "Code" means the Internal Revenue Code of 1954.

4947 (4) "Facsimile seal" means the reproduction by engraving, imprinting, stamping, or
 4948 other means of the seal of the issuer, official, or official body.

4949 (5) "Facsimile signature" means the reproduction by engraving, imprinting, stamping,
 4950 or other means of a manual signature.

4951 (6) "Financial intermediary" means a bank, broker, clearing corporation or other
 4952 person, or the nominee of any of them, which in the ordinary course of its business maintains
 4953 registered public obligation accounts for its customers.

4954 (7) "Issuer" means a public entity which issues an obligation.

4955 (8) "Obligation" means an agreement by a public entity to pay principal and any
 4956 interest on the obligation, whether in the form of a contract to repay borrowed money, a lease,
 4957 an installment purchase agreement, or otherwise, and includes a share, participation, or other

4958 interest in any such agreement.

4959 (9) "Official actions" means the actions by statute, order, ordinance, resolution,
4960 contract, or other authorized means by which the issuer provides for issuance of a registered
4961 public obligation.

4962 (10) "Official" or "official body" means the person or group of persons that is
4963 empowered to provide for the original issuance of an obligation of the issuer, by defining the
4964 obligation and its terms, conditions, and other incidents, or to perform duties with respect to a
4965 registered public obligation and any successor of such person or group of persons.

4966 (11) "Public entity" means any entity, department, or agency which is empowered
4967 under the laws of one or more states, territories, possessions of the United States or the District
4968 of Columbia, including this state, to issue obligations any interest with respect to which may,
4969 under any provision of law, be provided an exemption from the income tax referred to in the
4970 Code. The term "public entity" includes, without limitation, this state, an entity deriving
4971 powers from and acting pursuant to a state constitution or legislative act, a county, city, town, a
4972 municipal corporation, a quasi-municipal corporation, a state university or college, a school
4973 district, a special service district [~~or other special~~], a local district, [~~an improvement district, a~~
4974 ~~water conservancy district, a metropolitan water district, a drainage district, an irrigation~~
4975 ~~district, a fire protection district,~~] a separate legal or administrative entity created under the
4976 Interlocal Cooperation Act or other joint agreement entity, a [~~redevelopment~~] community
4977 development and renewal agency, any other political subdivision, a public authority or public
4978 agency, a public trust, a nonprofit corporation, or other organizations.

4979 (12) "Registered public obligation" means an obligation issued by a public entity which
4980 is issued pursuant to a system of registration.

4981 (13) "System of registration" and its variants means a plan that provides:

4982 (a) with respect to a certificated registered public obligation, that:

4983 (i) the certificated registered public obligation specifies a person entitled to the
4984 registered public obligation and the rights it represents[;]; and [~~that~~]

4985 (ii) transfer of the certificated registered public obligation and the rights it represents

4986 may be registered upon books maintained for that purpose by or on behalf of the issuer; and

4987 (b) with respect to an uncertificated registered public obligation, that;

4988 (i) books maintained by or on behalf of the issuer for the purpose of registration of the
4989 transfer of a registered public obligation specify a person entitled to the registered public
4990 obligation and the rights evidenced by it; and [~~that~~]

4991 (ii) transfer of the uncertificated registered public obligation and the rights evidenced
4992 by it be registered upon such books.

4993 (14) "Uncertificated registered public obligation" means a registered public obligation
4994 which is not represented by an instrument.

4995 Section 95. Section ~~17-23-17~~ is amended to read:

4996 **17-23-17. Map of boundary survey -- Procedure for filing -- Contents -- Marking**
4997 **of monuments -- Record of corner changes -- Penalties.**

4998 (1) As used in this section, "land surveyor" means a surveyor who is licensed to
4999 practice land surveying in this state in accordance with Title 58, Chapter 22, Professional
5000 Engineers and Professional Land Surveyors Licensing Act.

5001 (2) (a) (i) Each land surveyor making a boundary survey of lands within this state to
5002 establish or reestablish a boundary line or to obtain data for constructing a map or plat showing
5003 a boundary line shall file a map of the survey that meets the requirements of this section with
5004 the county surveyor or designated office within 90 days of the establishment or reestablishment
5005 of a boundary.

5006 (ii) A land surveyor who fails to file a map of the survey as required by Subsection
5007 (2)(a)(i) is guilty of a class C misdemeanor.

5008 (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a
5009 separate violation.

5010 (b) The county surveyor or designated office shall file and index the map of the survey.

5011 (c) The map shall be a public record in the office of the county surveyor or designated
5012 office.

5013 (3) This type of map shall show:

- 5014 (a) the location of survey by quarter section and township and range;
5015 (b) the date of survey;
5016 (c) the scale of drawing and north point;
5017 (d) the distance and course of all lines traced or established, giving the basis of bearing
5018 and the distance and course to two or more section corners or quarter corners, including
5019 township and range, or to identified monuments within a recorded subdivision;
5020 (e) all measured bearings, angles, and distances separately indicated from those of
5021 record;
5022 (f) a written boundary description of property surveyed;
5023 (g) all monuments set and their relation to older monuments found;
5024 (h) a detailed description of monuments found and monuments set, indicated
5025 separately;
5026 (i) the surveyor's seal or stamp; and
5027 (j) the surveyor's business name and address.
5028 (4) (a) The map shall contain a written narrative that explains and identifies:
5029 (i) the purpose of the survey;
5030 (ii) the basis on which the lines were established; and
5031 (iii) the found monuments and deed elements that controlled the established or
5032 reestablished lines.
5033 (b) If the narrative is a separate document, it shall contain:
5034 (i) the location of the survey by quarter section and by township and range;
5035 (ii) the date of the survey;
5036 (iii) the surveyor's stamp or seal; and
5037 (iv) the surveyor's business name and address.
5038 (c) The map and narrative shall be referenced to each other if they are separate
5039 documents.
5040 (5) The map and narrative shall be created on material of a permanent nature on stable
5041 base reproducible material in the sizes required by the county surveyor.

5042 (6) (a) Any monument set by a licensed professional land surveyor to mark or reference
5043 a point on a property or land line shall be durably and visibly marked or tagged with the
5044 registered business name or the letters "L.S." followed by the registration number of the
5045 surveyor in charge.

5046 (b) If the monument is set by a licensed land surveyor who is a public officer, it shall
5047 be marked with the official title of the office.

5048 (7) (a) If, in the performance of a survey, a surveyor finds or makes any changes to the
5049 section corner or quarter-section corner, or their accessories, the surveyor shall complete and
5050 submit to the county surveyor or designated office a record of the changes made.

5051 (b) The record shall be submitted within 45 days of the corner visits and shall include
5052 the surveyor's seal, business name, and address.

5053 (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the
5054 license of any land surveyor who fails to comply with the requirements of this section,
5055 according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and
5056 Professional Licensing Act.

5057 (9) Each federal or state agency, board, or commission, ~~[special]~~ local district, special
5058 service district, or municipal corporation that makes a boundary survey of lands within this
5059 state shall comply with this section.

5060 Section 96. Section **17-27a-103** is amended to read:

5061 **17-27a-103. Definitions.**

5062 As used in this chapter:

5063 (1) "Affected entity" means a county, municipality, ~~[independent special district under~~
5064 ~~Title 17A, Chapter 2, Independent Special Districts,]~~ local district ~~[under Title 17B, Chapter 2,~~
5065 ~~Local Districts]~~, special service district under Title 17A, Chapter 2, Part 13, Utah Special
5066 Service District Act, school district, interlocal cooperation entity established under Title 11,
5067 Chapter 13, Interlocal Cooperation Act, specified property owner, property owners association,
5068 public utility, or the Utah Department of Transportation, if:

5069 (a) the entity's services or facilities are likely to require expansion or significant

5070 modification because of an intended use of land;

5071 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

5072 or

5073 (c) the entity has filed with the county a request for notice during the same calendar
5074 year and before the county provides notice to an affected entity in compliance with a
5075 requirement imposed under this chapter.

5076 (2) "Appeal authority" means the person, board, commission, agency, or other body
5077 designated by ordinance to decide an appeal of a decision of a land use application or a
5078 variance.

5079 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
5080 residential property if the sign is designed or intended to direct attention to a business, product,
5081 or service that is not sold, offered, or existing on the property where the sign is located.

5082 (4) "Charter school" includes:

5083 (a) an operating charter school;

5084 (b) a charter school applicant that has its application approved by a chartering entity in
5085 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

5086 (c) an entity who is working on behalf of a charter school or approved charter applicant
5087 to develop or construct a charter school building.

5088 (5) "Chief executive officer" means the person or body that exercises the executive
5089 powers of the county.

5090 (6) "Conditional use" means a land use that, because of its unique characteristics or
5091 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
5092 compatible in some areas or may be compatible only if certain conditions are required that
5093 mitigate or eliminate the detrimental impacts.

5094 (7) "Constitutional taking" means a governmental action that results in a taking of
5095 private property so that compensation to the owner of the property is required by the:

5096 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

5097 (b) Utah Constitution Article I, Section 22.

5098 (8) "Culinary water authority" means the department, agency, or public entity with
5099 responsibility to review and approve the feasibility of the culinary water system and sources for
5100 the subject property.

5101 (9) (a) "Disability" means a physical or mental impairment that substantially limits one
5102 or more of a person's major life activities, including a person having a record of such an
5103 impairment or being regarded as having such an impairment.

5104 (b) "Disability" does not include current illegal use of, or addiction to, any federally
5105 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
5106 802.

5107 (10) "Elderly person" means a person who is 60 years old or older, who desires or
5108 needs to live with other elderly persons in a group setting, but who is capable of living
5109 independently.

5110 (11) "Gas corporation" has the same meaning as defined in Section 54-2-1.

5111 (12) "General plan" means a document that a county adopts that sets forth general
5112 guidelines for proposed future development of the unincorporated land within the county.

5113 (13) "Identical plans" means building plans submitted to a county that are substantially
5114 identical building plans that were previously submitted to and reviewed and approved by the
5115 county and describe a building that is:

5116 (a) located on land zoned the same as the land on which the building described in the
5117 previously approved plans is located; and

5118 (b) subject to the same geological and meteorological conditions and the same law as
5119 the building described in the previously approved plans.

5120 (14) "Interstate pipeline company" means a person or entity engaged in natural gas
5121 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
5122 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

5123 (15) "Intrastate pipeline company" means a person or entity engaged in natural gas
5124 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
5125 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

5126 (16) "Land use application" means an application required by a county's land use
5127 ordinance.

5128 (17) "Land use authority" means a person, board, commission, agency, or other body
5129 designated by the local legislative body to act upon a land use application.

5130 (18) "Land use ordinance" means a planning, zoning, development, or subdivision
5131 ordinance of the county, but does not include the general plan.

5132 (19) "Land use permit" means a permit issued by a land use authority.

5133 (20) "Legislative body" means the county legislative body, or for a county that has
5134 adopted an alternative form of government, the body exercising legislative powers.

5135 (21) "Local district" means any entity under Title 17B, Limited Purpose Local
5136 Government Entities - Local Districts, and any other governmental or quasi-governmental
5137 entity that is not a county, municipality, school district, or unit of the state.

5138 [~~(21)~~] (22) "Lot line adjustment" means the relocation of the property boundary line in
5139 a subdivision between two adjoining lots with the consent of the owners of record.

5140 [~~(22)~~] (23) "Moderate income housing" means housing occupied or reserved for
5141 occupancy by households with a gross household income equal to or less than 80% of the
5142 median gross income for households of the same size in the county in which the housing is
5143 located.

5144 [~~(23)~~] (24) "Nominal fee" means a fee that reasonably reimburses a county only for
5145 time spent and expenses incurred in:

5146 (a) verifying that building plans are identical plans; and

5147 (b) reviewing and approving those minor aspects of identical plans that differ from the
5148 previously reviewed and approved building plans.

5149 [~~(24)~~] (25) "Noncomplying structure" means a structure that:

5150 (a) legally existed before its current land use designation; and

5151 (b) because of one or more subsequent land use ordinance changes, does not conform
5152 to the setback, height restrictions, or other regulations, excluding those regulations that govern
5153 the use of land.

5154 [~~(25)~~] (26) "Nonconforming use" means a use of land that:

5155 (a) legally existed before its current land use designation;

5156 (b) has been maintained continuously since the time the land use ordinance regulation
5157 governing the land changed; and

5158 (c) because of one or more subsequent land use ordinance changes, does not conform
5159 to the regulations that now govern the use of the land.

5160 [~~(26)~~] (27) "Official map" means a map drawn by county authorities and recorded in
5161 the county recorder's office that:

5162 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
5163 highways and other transportation facilities;

5164 (b) provides a basis for restricting development in designated rights-of-way or between
5165 designated setbacks to allow the government authorities time to purchase or otherwise reserve
5166 the land; and

5167 (c) has been adopted as an element of the county's general plan.

5168 [~~(27)~~] (28) "Person" means an individual, corporation, partnership, organization,
5169 association, trust, governmental agency, or any other legal entity.

5170 [~~(28)~~] (29) "Plan for moderate income housing" means a written document adopted by
5171 a county legislative body that includes:

5172 (a) an estimate of the existing supply of moderate income housing located within the
5173 county;

5174 (b) an estimate of the need for moderate income housing in the county for the next five
5175 years as revised biennially;

5176 (c) a survey of total residential land use;

5177 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
5178 income housing; and

5179 (e) a description of the county's program to encourage an adequate supply of moderate
5180 income housing.

5181 [~~(29)~~] (30) "Plat" means a map or other graphical representation of lands being laid out

5182 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

5183 ~~[(30)]~~ (31) "Public hearing" means a hearing at which members of the public are
5184 provided a reasonable opportunity to comment on the subject of the hearing.

5185 ~~[(31)]~~ (32) "Public meeting" means a meeting that is required to be open to the public
5186 under Title 52, Chapter 4, Open and Public Meetings Act.

5187 ~~[(32)]~~ (33) "Record of survey map" means a map of a survey of land prepared in
5188 accordance with Section 17-23-17.

5189 ~~[(33)]~~ (34) "Residential facility for elderly persons" means a single-family or
5190 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not
5191 include a health care facility as defined by Section 26-21-2.

5192 ~~[(34)]~~ (35) "Residential facility for persons with a disability" means a residence:

5193 (a) in which more than one person with a disability resides; and

5194 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
5195 Chapter 2, Licensure of Programs and Facilities; or

5196 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
5197 Health Care Facility Licensing and Inspection Act.

5198 ~~[(35)]~~ (36) "Sanitary sewer authority" means the department, agency, or public entity
5199 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
5200 wastewater systems.

5201 ~~[(36)] "Special district" means any entity established under the authority of Title 17A,
5202 Special Districts, and any other governmental or quasi-governmental entity that is not a county,
5203 municipality, school district, or unit of the state.]~~

5204 (37) "Specified public utility" means an electrical corporation, gas corporation, or
5205 telephone corporation, as those terms are defined in Section 54-2-1.

5206 (38) "Street" means a public right-of-way, including a highway, avenue, boulevard,
5207 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
5208 way.

5209 (39) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be

5210 divided into two or more lots, parcels, sites, units, plots, or other division of land for the
5211 purpose, whether immediate or future, for offer, sale, lease, or development either on the
5212 installment plan or upon any and all other plans, terms, and conditions.

5213 (b) "Subdivision" includes:

5214 (i) the division or development of land whether by deed, metes and bounds description,
5215 devise and testacy, map, plat, or other recorded instrument; and

5216 (ii) except as provided in Subsection (39)(c), divisions of land for residential and
5217 nonresidential uses, including land used or to be used for commercial, agricultural, and
5218 industrial purposes.

5219 (c) "Subdivision" does not include:

5220 (i) a bona fide division or partition of agricultural land for agricultural purposes;

5221 (ii) a recorded agreement between owners of adjoining properties adjusting their
5222 mutual boundary if:

5223 (A) no new lot is created; and

5224 (B) the adjustment does not violate applicable land use ordinances;

5225 (iii) a recorded document, executed by the owner of record:

5226 (A) revising the legal description of more than one contiguous unsubdivided parcel of
5227 property into one legal description encompassing all such parcels of property; or

5228 (B) joining a subdivided parcel of property to another parcel of property that has not
5229 been subdivided, if the joinder does not violate applicable land use ordinances;

5230 (iv) a bona fide division or partition of land in a county other than a first class county
5231 for the purpose of siting, on one or more of the resulting separate parcels:

5232 (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas
5233 corporation, interstate pipeline company, or intrastate pipeline company; or

5234 (B) an unmanned telecommunications, microwave, fiber optic, electrical, or other
5235 utility service regeneration, transformation, retransmission, or amplification facility; or

5236 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
5237 their mutual boundary if:

5238 (A) no new dwelling lot or housing unit will result from the adjustment; and
5239 (B) the adjustment will not violate any applicable land use ordinance.

5240 (d) The joining of a subdivided parcel of property to another parcel of property that has
5241 not been subdivided does not constitute a subdivision under this Subsection (39) as to the
5242 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision
5243 ordinance.

5244 (40) "Township" means a contiguous, geographically defined portion of the
5245 unincorporated area of a county, established under this part or reconstituted or reinstated under
5246 Section 17-27a-306, with planning and zoning functions as exercised through the township
5247 planning commission, as provided in this chapter, but with no legal or political identity
5248 separate from the county and no taxing authority, except that "township" means a former
5249 township under Chapter 308, Laws of Utah 1996 where the context so indicates.

5250 (41) "Unincorporated" means the area outside of the incorporated area of a
5251 municipality.

5252 (42) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
5253 land use zones, overlays, or districts.

5254 Section 97. Section **17-27a-305** is amended to read:

5255 **17-27a-305. Other entities required to conform to county's land use ordinances --**
5256 **Exceptions -- School districts and charter schools.**

5257 (1) (a) Each county, municipality, school district, charter school, [~~special~~] local district,
5258 special service district, and political subdivision of the state shall conform to any applicable
5259 land use ordinance of any county when installing, constructing, operating, or otherwise using
5260 any area, land, or building situated within the unincorporated portion of the county.

5261 (b) In addition to any other remedies provided by law, when a county's land use
5262 ordinance is violated or about to be violated by another political subdivision, that county may
5263 institute an injunction, mandamus, abatement, or other appropriate action or proceeding to
5264 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

5265 (2) (a) Except as provided in Subsection (3), a school district or charter school is

5266 subject to a county's land use ordinances.

5267 (b) (i) Notwithstanding Subsection (3), a county may subject a charter school to
5268 standards within each zone pertaining to setback, height, bulk and massing regulations, off-site
5269 parking, curb cut, traffic circulation, and construction staging.

5270 (ii) The standards to which a county may subject a charter school under Subsection
5271 (2)(b)(i) shall be objective standards only and may not be subjective.

5272 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may
5273 deny or withhold approval of a charter school's land use application is the charter school's
5274 failure to comply with a standard imposed under Subsection (2)(b)(i).

5275 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an
5276 obligation to comply with a requirement of an applicable building or safety code to which it is
5277 otherwise obligated to comply.

5278 (3) A county may not:

5279 (a) impose requirements for landscaping, fencing, aesthetic considerations,
5280 construction methods or materials, building codes, building use for educational purposes, or the
5281 placement or use of temporary classroom facilities on school property;

5282 (b) except as otherwise provided in this section, require a school district or charter
5283 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a
5284 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school
5285 children and not located on or contiguous to school property, unless the roadway or sidewalk is
5286 required to connect an otherwise isolated school site to an existing roadway;

5287 (c) require a district or charter school to pay fees not authorized by this section;

5288 (d) provide for inspection of school construction or assess a fee or other charges for
5289 inspection, unless the school district or charter school is unable to provide for inspection by an
5290 inspector, other than the project architect or contractor, who is qualified under criteria
5291 established by the state superintendent;

5292 (e) require a school district or charter school to pay any impact fee for an improvement
5293 project that is not reasonably related to the impact of the project upon the need that the

5294 improvement is to address; or

5295 (f) impose regulations upon the location of a project except as necessary to avoid
5296 unreasonable risks to health or safety.

5297 (4) Subject to Section 53A-20-108, a school district or charter school shall coordinate
5298 the siting of a new school with the county in which the school is to be located, to:

5299 (a) avoid or mitigate existing and potential traffic hazards, including consideration of
5300 the impacts between the new school and future highways; and

5301 (b) to maximize school, student, and site safety.

5302 (5) Notwithstanding Subsection (3)(d), a county may, at its discretion:

5303 (a) provide a walk-through of school construction at no cost and at a time convenient to
5304 the district or charter school; and

5305 (b) provide recommendations based upon the walk-through.

5306 (6) (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

5307 (i) a county building inspector;

5308 (ii) a school district building inspector; or

5309 (iii) an independent, certified building inspector who is:

5310 (A) not an employee of the contractor;

5311 (B) approved by a county building inspector or a school district building inspector; and

5312 (C) licensed to perform the inspection that the inspector is requested to perform.

5313 (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.

5314 (c) If a school district or charter school uses an independent building inspector under

5315 Subsection (6)(a)(iii), the school district or charter school shall submit to the state

5316 superintendent of public instruction, on a monthly basis during construction of the school

5317 building, a copy of each inspection certificate regarding the school building.

5318 (7) (a) A charter school shall be considered a permitted use in all zoning districts
5319 within a county.

5320 (b) Each land use application for any approval required for a charter school, including
5321 an application for a building permit, shall be processed on a first priority basis.

5322 (c) Parking requirements for a charter school may not exceed the minimum parking
5323 requirements for schools or other institutional public uses throughout the county.

5324 (d) If a county has designated zones for a sexually oriented business, or a business
5325 which sells alcohol, a charter school may be prohibited from a location which would otherwise
5326 defeat the purpose for the zone unless the charter school provides a waiver.

5327 (e) (i) A school district or a charter school may seek a certificate authorizing permanent
5328 occupancy of a school building from:

5329 (A) the state superintendent of public instruction, as provided in Subsection
5330 53A-20-104(3), if the school district or charter school used an independent building inspector
5331 for inspection of the school building; or

5332 (B) a county official with authority to issue the certificate, if the school district or
5333 charter school used a county building inspector for inspection of the school building.

5334 (ii) A school district may issue its own certificate authorizing permanent occupancy of
5335 a school building if it used its own building inspector for inspection of the school building,
5336 subject to the notification requirement of Subsection 53A-20-104(3)(a)(ii).

5337 (iii) A charter school may seek a certificate authorizing permanent occupancy of a
5338 school building from a school district official with authority to issue the certificate, if the
5339 charter school used a school district building inspector for inspection of the school building.

5340 (iv) A certificate authorizing permanent occupancy issued by the state superintendent
5341 of public instruction under Subsection 53A-20-104(3) or a school district official with authority
5342 to issue the certificate shall be considered to satisfy any county requirement for an inspection or
5343 a certificate of occupancy.

5344 Section 98. Section **17-35b-302** is amended to read:

5345 **17-35b-302. Urban county structural form of county government.**

5346 (1) The structural form of county government known as the "urban county" form
5347 retains, without change or modification, except to the extent that changes or modifications may
5348 be effectuated under other proceedings authorized by law, all existing incorporated cities and
5349 towns, special taxing districts, public authorities, [county] service areas, and other local public

5350 entities functioning within the boundaries of the county. Under this form of government, the
5351 county remains vested with all powers and duties vested in counties by general law, but in
5352 addition is vested with and empowered to exercise within the unincorporated territory of the
5353 county all powers and duties which, by general law, are conferred upon cities whose population
5354 is equal to that of the unincorporated territory of such county.

5355 (2) The urban county is empowered to enter into contractual arrangements for the joint
5356 exercise of powers or for performance of services and, for that purpose, may employ and be
5357 subject to the provisions of Title 11, Chapter 13, Interlocal Cooperation Act. By contract, the
5358 urban county may perform for any city, town, special taxing district, public authority, [county]
5359 service area, or other local public entity within the county any governmental service or function
5360 which such entity is lawfully empowered to perform for itself within its own territory, or which
5361 the county is lawfully empowered to perform anywhere within the county boundaries. No
5362 contract service or function shall be performed by the county except for a consideration which
5363 is at least substantially equal to the cost of performing it.

5364 (3) The plan for an urban county form of county government may provide for
5365 organization of the unincorporated territory of the county into one or more [county] service
5366 areas and, for this purpose, may provide for special organizing or implementing procedures
5367 which differ from those provided in Title [17A] 17B, Chapter [2] 2a, Part [4, County] 9,
5368 Service [Areas] Area Act. Except to the extent that the plan provides to the contrary, all
5369 noncontract services and functions lawfully performed by the county solely within
5370 unincorporated territory and not on a countywide basis shall, after the effective date of the plan,
5371 be considered performed and extended solely as services of, and financed by and through, the
5372 county service area. The plan may provide for, limit, or condition the services and functions
5373 which the urban county is authorized to perform and extend within the territory of incorporated
5374 cities and towns within the county and may provide procedures by which such provisions,
5375 limits, or conditions may be established and changed from time to time.

5376 (4) The plan for the urban county shall provide for the election of a county council,
5377 composed of not less than three members. The council shall be the county legislative body and

5378 shall exercise all legislative powers authorized by law. The plan shall specify:

5379 (a) whether the members of the council are to be elected from districts, at large, or by a
5380 combination of district and at-large constituencies;

5381 (b) their qualifications and terms of office, and whether such terms are concurrent or
5382 overlapping;

5383 (c) grounds for and methods for removal of council members from office;

5384 (d) procedures for filling vacancies on the council, provided that the procedures shall
5385 conform with Section 20A-1-508; and

5386 (e) the compensation, if any, of council members together with procedures for
5387 prescribing and changing such compensation from time to time.

5388 Section 99. Section **17-35b-303** is amended to read:

5389 **17-35b-303. Community council form of county government.**

5390 (1) The structural form of county government known as the "community council" form
5391 unites in a single consolidated city and county government the powers, duties, and functions
5392 which, immediately prior to its effective date, are vested in the county, the largest city in the
5393 county, such other cities and towns as elect to merge in it, and all special taxing districts, public
5394 authorities, [county] service areas, and other local public entities functioning within the
5395 boundaries of the county, except school districts. The consolidated government shall have
5396 power to extend on a countywide basis any governmental service or function which is
5397 authorized by law or which the previous county, cities, and other local public agencies included
5398 therein were empowered to provide for their residents, but no such service shall be provided
5399 within an incorporated municipality which continues to provide that service for its own
5400 inhabitants, except upon a contract basis for the municipality, and no taxes, assessments, fees,
5401 or other charges shall be extended or collected within the municipality for the purpose of
5402 financing any service which is not provided by the consolidated government within the
5403 municipality. "Largest city," as used in this section, means a city or cities the population of
5404 which, as shown by the most recent decennial or special census, exceeds 35% of the total
5405 county population.

5406 (2) The incorporated cities and towns, other than the largest city, in the county shall
5407 retain independent corporate existence and shall continue to provide local services to their
5408 inhabitants of the type and to the extent provided in the plan, but any such city or town, by
5409 majority vote of its qualified voters, cast either concurrently with the election at which the plan
5410 is approved or subsequently to it, as provided by the governing body of the city or town, may
5411 cause the city or town to be dissolved and its powers, duties, and functions vested in the
5412 countywide government.

5413 (3) The county legislative body of the countywide government shall be a council
5414 composed of not less than five persons as specified in the plan, elected respectively from
5415 communities, which collectively include all of the territory within the county, having
5416 boundaries described in the plan embracing substantially equal populations. In addition to
5417 other powers vested in the countywide government by law or pursuant to this act, the county
5418 council shall have all of the legislative and policymaking powers which it is possible for the
5419 governing body of a county or a city to possess and which are not expressly denied by the
5420 constitution, by a general law applicable to all cities or all counties, or by a specific restriction
5421 in the plan itself.

5422 (4) The voters of each community shall elect a community council composed of the
5423 community's elected member of the county council, who shall be chairman of the community
5424 council, and not less than two nor more than four additional members elected either from
5425 districts of substantially equal population within the community, or at large therein, as may be
5426 provided in the plan. A community council shall have the power and duty, in conformity with
5427 guidelines prescribed by the county council, to adopt policies and formulate specific programs
5428 relating to and defining the kinds and levels of local governmental services necessary to satisfy
5429 the needs and desires of the citizens within the community, but a community council shall have
5430 no power to engage personnel or to acquire facilities, property, or equipment for the
5431 administration or performance of such services. Authorized programs for local governmental
5432 services which have been approved by a community council shall be submitted to the county
5433 council for implementation and shall be carried into effect by the county council and county

5434 executive unless, by a vote of not less than 3/4 of its entire membership, the county council
5435 determines that a particular program, in whole or in part, should be rejected as contrary to the
5436 general welfare of the county. A community council program for local governmental services
5437 within a community:

5438 (a) shall include a method or methods for financing such services;

5439 (b) may provide for supplying of such services by contract or by joint or cooperative
5440 action pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, in which case the
5441 community council shall be considered a "public agency" within the meaning of said act; and

5442 (c) may provide for supplying of such services through the creation of [county] service
5443 areas pursuant to Title ~~[17A]~~ 17B, Chapter ~~[2]~~ 2a, Part ~~[4, County]~~ 9, Service Area Act.

5444 (5) Notwithstanding Subsection (4) [~~of this section~~], in any community which includes,
5445 in whole or in part, the territory of a city or town, no community council program for local
5446 government services above the minimum level of area-wide services provided countywide may
5447 be submitted to the county council for implementation unless it first is submitted to the
5448 governing body of each such city or town for review. Within 30 days after such submission, the
5449 governing body of the city or town:

5450 (a) may file with the community council a written statement of its comments,
5451 suggestions, and recommendations relating to the program, and the community council shall
5452 give due consideration thereto; or

5453 (b) may, by resolution or ordinance, provide that any designated part of the community
5454 council program relating to a service to be provided within the city or town shall be submitted
5455 to the voters thereof at a general or special election to be held therein within 60 days after the
5456 date of the resolution or ordinance. Any part of the program submitted to the voters of a city or
5457 town under this Subsection (5) shall not be included in the program as submitted to the county
5458 council unless it receives an approving vote at such election by majority of all votes cast on the
5459 question.

5460 (6) Except as provided herein, the qualifications, mode of election, term of office,
5461 method of removal, procedure to fill vacancies, compensation, and other appropriate provisions

5462 relating to membership on the county council or community councils shall be provided in the
5463 plan.

5464 (7) Upon the effective date of the plan and as provided in it, all properties and assets,
5465 whether tangible or intangible, and all obligations, debts, and liabilities, of those governmental
5466 entities which are merged into the new countywide government shall become vested and
5467 transferred by operation of law in and to the new countywide government. The properties,
5468 assets, obligations, debts, and liabilities of any city or town not merged into the new
5469 countywide government, so far as allocated, used, or incurred primarily to discharge a function
5470 which under the plan will no longer be a responsibility of the city or town, shall likewise be
5471 vested in and transferred to the new countywide government. All transfers under this
5472 Subsection (7) shall be subject to equitable adjustments, conditions, and limitations provided in
5473 the plan and determined by procedures specified in the plan, but the contractual rights of any
5474 bondholder or creditor shall not be impaired.

5475 (8) Upon the effective date of the plan and as provided in it, nonelective officers and
5476 employees of governmental entities which are merged into the new countywide government
5477 and such officers and employees of nonmerged cities or towns whose qualifications and duties
5478 relate primarily to functions which under the plan will no longer be a responsibility of those
5479 cities or towns, shall be blanketed in and transferred to the new countywide government as
5480 officers and employees of it. Standards and procedures relating to such personnel transfers, and
5481 for resolving disputes or grievances relating thereto, shall be provided in the plan.

5482 Section 100. Section **17-36-9** is amended to read:

5483 **17-36-9. Budget -- Financial plan -- Contents -- Municipal services and capital**
5484 **projects funds.**

5485 (1) (a) The budget for each fund shall provide a complete financial plan for the budget
5486 period and shall contain in tabular form classified by the account titles as required by the
5487 uniform system of budgeting, accounting, and reporting:

- 5488 (i) estimates of all anticipated revenues;
- 5489 (ii) all appropriations for expenditures; and

5490 (iii) any additional data required by Section 17-36-10 or by the uniform system of
5491 budgeting, accounting, and reporting.

5492 (b) The total of appropriated expenditures shall be equal to the total of anticipated
5493 revenues.

5494 (2) (a) Each first-, second-, and third-class county that provides municipal-type
5495 services under Section 17-34-1 shall:

5496 (i) establish a special revenue fund, "Municipal Services Fund," and a capital projects
5497 fund, "Municipal Capital Projects Fund," or establish a [~~special~~] local district or special service
5498 district to provide municipal services; and

5499 (ii) budget appropriations for municipal services and municipal capital projects from
5500 these funds.

5501 (b) The Municipal Services Fund is subject to the same budgetary requirements as the
5502 county's general fund.

5503 (c) (i) Except as provided in Subsection (2)(c)(ii), the county may deposit revenue
5504 derived from any taxes otherwise authorized by law, income derived from the investment of
5505 money contained within the municipal services fund and the municipal capital projects fund,
5506 the appropriate portion of federal money, and fees collected into a municipal services fund and
5507 a municipal capital projects fund.

5508 (ii) The county may not deposit revenue derived from a fee, tax, or other source based
5509 upon a countywide assessment or from a countywide service or function into a municipal
5510 services fund or a municipal capital projects fund.

5511 (d) The maximum accumulated unappropriated surplus in the municipal services fund,
5512 as determined prior to adoption of the tentative budget, may not exceed an amount equal to the
5513 total estimated revenues of the current fiscal period.

5514 Section 101. Section **17-36-29** is amended to read:

5515 **17-36-29. Special fund ceases -- Transfer.**

5516 If the necessity to maintain any special fund ceases and there is a balance in such fund,
5517 the governing body shall authorize the transfer of the balance to the fund balance account in the

5518 General Fund. Any balance which remains in a special assessment fund and any unrequired
5519 balance in a special improvement guaranty fund shall be treated as provided in [~~Section~~
5520 ~~17A-3-341~~] Subsection 11-42-701(5). Any balance which remains in a capital projects fund
5521 shall be transferred to the appropriate debt service fund or such other fund as the bond
5522 ordinance requires or to the general fund balance account.

5523 Section 102. Section **17-41-101** is amended to read:

5524 **17-41-101. Definitions.**

5525 As used in this chapter:

5526 (1) "Advisory board" means:

5527 (a) for an agriculture protection area, the agriculture protection area advisory board
5528 created as provided in Section 17-41-201; and

5529 (b) for an industrial protection area, the industrial protection area advisory board
5530 created as provided in Section 17-41-201.

5531 (2) (a) "Agriculture production" means production for commercial purposes of crops,
5532 livestock, and livestock products.

5533 (b) "Agriculture production" includes the processing or retail marketing of any crops,
5534 livestock, and livestock products when more than 50% of the processed or merchandised
5535 products are produced by the farm operator.

5536 (3) "Agriculture protection area" means a geographic area created under the authority
5537 of this chapter that is granted the specific legal protections contained in this chapter.

5538 (4) "Applicable legislative body" means:

5539 (a) with respect to a proposed agriculture protection area or industrial protection area:

5540 (i) the legislative body of the county in which the land proposed to be included in an
5541 agriculture protection area or industrial protection area is located, if the land is within the
5542 unincorporated part of the county; or

5543 (ii) the legislative body of the city or town in which the land proposed to be included in
5544 an agriculture protection area or industrial protection area is located; and

5545 (b) with respect to an existing agriculture protection area or industrial protection area:

- 5546 (i) the legislative body of the county in which the agriculture protection area or
5547 industrial protection area is located, if the agriculture protection area or industrial protection
5548 area is within the unincorporated part of the county; or
- 5549 (ii) the legislative body of the city or town in which the agriculture protection area or
5550 industrial protection area is located.
- 5551 (5) "Crops, livestock, and livestock products" includes:
- 5552 (a) land devoted to the raising of useful plants and animals with a reasonable
5553 expectation of profit, including:
- 5554 (i) forages and sod crops;
- 5555 (ii) grains and feed crops;
- 5556 (iii) livestock as defined in Subsection 59-2-102[~~(26)~~] (27)(d);
- 5557 (iv) trees and fruits; or
- 5558 (v) vegetables, nursery, floral, and ornamental stock; or
- 5559 (b) land devoted to and meeting the requirements and qualifications for payments or
5560 other compensation under a crop-land retirement program with an agency of the state or federal
5561 government.
- 5562 (6) "Industrial protection area" means a geographic area created under the authority of
5563 this chapter that is granted the specific legal protections contained in this chapter.
- 5564 (7) (a) "Municipal" means of or relating to a city or town.
- 5565 (b) "Municipality" means a city or town.
- 5566 (8) "Planning commission" means:
- 5567 (a) a countywide planning commission if the land proposed to be included in the
5568 agriculture protection area or industrial protection area is within the unincorporated part of the
5569 county and not within a township;
- 5570 (b) a township planning commission if the land proposed to be included in the
5571 agriculture protection area or industrial protection area is within a township; or
- 5572 (c) a planning commission of a city or town if the land proposed to be included in the
5573 agriculture protection area or industrial protection area is within a city or town.

5574 (9) "Political subdivision" means a county, city, town, school district, ~~[or special]~~ local
5575 district, or special service district.

5576 (10) "Proposal sponsors" means the owners of land in agricultural production or
5577 industrial use who are sponsoring the proposal for creating an agriculture protection area or
5578 industrial protection area, respectively.

5579 (11) "State agency" means each department, commission, board, council, agency,
5580 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
5581 unit, bureau, panel, or other administrative unit of the state.

5582 (12) "Unincorporated" means not within a city or town.

5583 Section 103. Section **17-43-201** is amended to read:

5584 **17-43-201. Local substance abuse authorities -- Responsibilities.**

5585 (1) (a) (i) In each county operating under a county executive-council form of
5586 government under Section 17-52-504, the county legislative body is the local substance abuse
5587 authority, provided however that any contract for plan services shall be administered by the
5588 county executive.

5589 (ii) In each county operating under a council-manager form of government under
5590 Section 17-52-505, the county manager is the local substance abuse authority.

5591 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the
5592 county legislative body is the local substance abuse authority.

5593 (b) Within legislative appropriations and county matching funds required by this
5594 section, and under the policy direction of the board and the administrative direction of the
5595 division, each local substance abuse authority shall:

5596 (i) develop substance abuse prevention and treatment services plans; and

5597 (ii) provide substance abuse services to residents of the county.

5598 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
5599 Cooperation Act, two or more counties may join to provide substance abuse prevention and
5600 treatment services.

5601 (b) The legislative bodies of counties joining to provide services may establish

5602 acceptable ways of apportioning the cost of substance abuse services.

5603 (c) Each agreement for joint substance abuse services shall:

5604 (i) (A) designate the treasurer of one of the participating counties or another person as
5605 the treasurer for the combined substance abuse authorities and as the custodian of moneys
5606 available for the joint services; and

5607 (B) provide that the designated treasurer, or other disbursing officer authorized by the
5608 treasurer, may make payments from the moneys for the joint services upon audit of the
5609 appropriate auditing officer or officers representing the participating counties;

5610 (ii) provide for the appointment of an independent auditor or a county auditor of one of
5611 the participating counties as the designated auditing officer for the combined substance abuse
5612 authorities;

5613 (iii) (A) provide for the appointment of the county or district attorney of one of the
5614 participating counties as the designated legal officer for the combined substance abuse
5615 authorities; and

5616 (B) authorize the designated legal officer to request and receive the assistance of the
5617 county or district attorneys of the other participating counties in defending or prosecuting
5618 actions within their counties relating to the combined substance abuse authorities; and

5619 (iv) provide for the adoption of management, clinical, financial, procurement,
5620 personnel, and administrative policies as already established by one of the participating
5621 counties or as approved by the legislative body of each participating county or interlocal board.

5622 (d) An agreement for joint substance abuse services may provide for joint operation of
5623 services and facilities or for operation of services and facilities under contract by one
5624 participating local substance abuse authority for other participating local substance abuse
5625 authorities.

5626 (3) (a) Each local substance abuse authority is accountable to the department, the
5627 Department of Health, and the state with regard to the use of state and federal funds received
5628 from those departments for substance abuse services, regardless of whether the services are
5629 provided by a private contract provider.

5630 (b) Each local substance abuse authority shall comply, and require compliance by its
5631 contract provider, with all directives issued by the department and the Department of Health
5632 regarding the use and expenditure of state and federal funds received from those departments
5633 for the purpose of providing substance abuse programs and services. The department and
5634 Department of Health shall ensure that those directives are not duplicative or conflicting, and
5635 shall consult and coordinate with local substance abuse authorities with regard to programs and
5636 services.

5637 (4) Each local substance abuse authority shall:

5638 (a) review and evaluate substance abuse prevention and treatment needs and services,
5639 including substance abuse needs and services for individuals incarcerated in a county jail or
5640 other county correctional facility;

5641 (b) annually prepare and submit to the division a plan approved by the county
5642 legislative body for funding and service delivery that includes:

5643 (i) provisions for services, either directly by the substance abuse authority or by
5644 contract, for adults, youth, and children, including those incarcerated in a county jail or other
5645 county correctional facility; and

5646 (ii) primary prevention, targeted prevention, early intervention, and treatment services;

5647 (c) establish and maintain, either directly or by contract, programs licensed under Title
5648 62A, Chapter 2, Licensure of Programs and Facilities;

5649 (d) appoint directly or by contract a full or part time director for substance abuse
5650 programs, and prescribe the director's duties;

5651 (e) provide input and comment on new and revised policies established by the board;

5652 (f) establish and require contract providers to establish administrative, clinical,
5653 procurement, personnel, financial, and management policies regarding substance abuse services
5654 and facilities, in accordance with the policies of the board, and state and federal law;

5655 (g) establish mechanisms allowing for direct citizen input;

5656 (h) annually contract with the division to provide substance abuse programs and
5657 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and

5658 Mental Health Act;

5659 (i) comply with all applicable state and federal statutes, policies, audit requirements,
5660 contract requirements, and any directives resulting from those audits and contract requirements;

5661 (j) promote or establish programs for the prevention of substance abuse within the
5662 community setting through community-based prevention programs;

5663 (k) provide funding equal to at least 20% of the state funds that it receives to fund
5664 services described in the plan;

5665 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
5666 Cooperation Act, Title ~~[17A]~~ 17B, Chapter 1, Part ~~[4, Uniform]~~ 6, Fiscal Procedures for
5667 ~~[Special]~~ Local Districts ~~[Act]~~, and Title 51, Chapter 2a, Accounting Reports from Political
5668 Subdivisions, Interlocal Organizations, and Other Local Entities Act;

5669 (m) for persons convicted of driving under the influence in violation of Section
5670 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:

5671 (i) a screening;

5672 (ii) an assessment;

5673 (iii) an educational series; and

5674 (iv) substance abuse treatment; and

5675 (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to
5676 supplement the cost of providing the services described in Subsection (4)(m).

5677 (5) Before disbursing any public funds, each local substance abuse authority shall
5678 require that each entity that receives any public funds from the local substance abuse authority
5679 agrees in writing that:

5680 (a) the entity's financial records and other records relevant to the entity's performance
5681 of the services provided to the local substance abuse authority shall be subject to examination
5682 by:

5683 (i) the division;

5684 (ii) the local substance abuse authority director;

5685 (iii) (A) the county treasurer and county or district attorney; or

5686 (B) if two or more counties jointly provide substance abuse services under an
5687 agreement under Subsection (2), the designated treasurer and the designated legal officer;

5688 (iv) the county legislative body; and

5689 (v) in a county with a county executive that is separate from the county legislative
5690 body, the county executive;

5691 (b) the county auditor may examine and audit the entity's financial and other records
5692 relevant to the entity's performance of the services provided to the local substance abuse
5693 authority; and

5694 (c) the entity will comply with the provisions of Subsection (3)(b).

5695 (6) A local substance abuse authority may receive property, grants, gifts, supplies,
5696 materials, contributions, and any benefit derived therefrom, for substance abuse services. If
5697 those gifts are conditioned upon their use for a specified service or program, they shall be so
5698 used.

5699 (7) (a) As used in this section, "public funds" means the same as that term is defined in
5700 Section 17-43-203.

5701 (b) Public funds received for the provision of services pursuant to the local substance
5702 abuse plan may not be used for any other purpose except those authorized in the contract
5703 between the local substance abuse authority and the provider for the provision of plan services.

5704 Section 104. Section **17-43-301** is amended to read:

5705 **17-43-301. Local mental health authorities -- Responsibilities.**

5706 (1) (a) (i) In each county operating under a county executive-council form of
5707 government under Section 17-52-504, the county legislative body is the local mental health
5708 authority, provided however that any contract for plan services shall be administered by the
5709 county executive.

5710 (ii) In each county operating under a council-manager form of government under
5711 Section 17-52-505, the county manager is the local mental health authority.

5712 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the
5713 county legislative body is the local mental health authority.

5714 (b) Within legislative appropriations and county matching funds required by this
5715 section, under the policy direction of the board and the administrative direction of the division,
5716 each local mental health authority shall provide mental health services to persons within the
5717 county.

5718 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
5719 Cooperation Act, two or more counties may join to provide mental health prevention and
5720 treatment services.

5721 (b) The legislative bodies of counties joining to provide services may establish
5722 acceptable ways of apportioning the cost of mental health services.

5723 (c) Each agreement for joint mental health services shall:

5724 (i) (A) designate the treasurer of one of the participating counties or another person as
5725 the treasurer for the combined mental health authorities and as the custodian of moneys
5726 available for the joint services; and

5727 (B) provide that the designated treasurer, or other disbursing officer authorized by the
5728 treasurer, may make payments from the moneys available for the joint services upon audit of
5729 the appropriate auditing officer or officers representing the participating counties;

5730 (ii) provide for the appointment of an independent auditor or a county auditor of one of
5731 the participating counties as the designated auditing officer for the combined mental health
5732 authorities;

5733 (iii) (A) provide for the appointment of the county or district attorney of one of the
5734 participating counties as the designated legal officer for the combined mental health
5735 authorities; and

5736 (B) authorize the designated legal officer to request and receive the assistance of the
5737 county or district attorneys of the other participating counties in defending or prosecuting
5738 actions within their counties relating to the combined mental health authorities; and

5739 (iv) provide for the adoption of management, clinical, financial, procurement,
5740 personnel, and administrative policies as already established by one of the participating
5741 counties or as approved by the legislative body of each participating county or interlocal board.

5742 (d) An agreement for joint mental health services may provide for:

5743 (i) joint operation of services and facilities or for operation of services and facilities
5744 under contract by one participating local mental health authority for other participating local
5745 mental health authorities; and

5746 (ii) allocation of appointments of members of the mental health advisory council
5747 between or among participating counties.

5748 (3) (a) Each local mental health authority is accountable to the department, the
5749 Department of Health, and the state with regard to the use of state and federal funds received
5750 from those departments for mental health services, regardless of whether the services are
5751 provided by a private contract provider.

5752 (b) Each local mental health authority shall comply, and require compliance by its
5753 contract provider, with all directives issued by the department and the Department of Health
5754 regarding the use and expenditure of state and federal funds received from those departments
5755 for the purpose of providing mental health programs and services. The department and
5756 Department of Health shall ensure that those directives are not duplicative or conflicting, and
5757 shall consult and coordinate with local mental health authorities with regard to programs and
5758 services.

5759 (4) (a) Each local mental health authority shall:

5760 (i) review and evaluate mental health needs and services, including mental health needs
5761 and services for persons incarcerated in a county jail or other county correctional facility;

5762 (ii) as provided in Subsection (4)(b), annually prepare and submit to the division a plan
5763 approved by the county legislative body for mental health funding and service delivery, either
5764 directly by the local mental health authority or by contract;

5765 (iii) establish and maintain, either directly or by contract, programs licensed under Title
5766 62A, Chapter 2, Licensure of Programs and Facilities;

5767 (iv) appoint, directly or by contract, a full-time or part-time director for mental health
5768 programs and prescribe the director's duties;

5769 (v) provide input and comment on new and revised policies established by the board;

- 5770 (vi) establish and require contract providers to establish administrative, clinical,
5771 personnel, financial, procurement, and management policies regarding mental health services
5772 and facilities, in accordance with the policies of the board and state and federal law;
- 5773 (vii) establish mechanisms allowing for direct citizen input;
- 5774 (viii) annually contract with the division to provide mental health programs and
5775 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and
5776 Mental Health Act;
- 5777 (ix) comply with all applicable state and federal statutes, policies, audit requirements,
5778 contract requirements, and any directives resulting from those audits and contract requirements;
- 5779 (x) provide funding equal to at least 20% of the state funds that it receives to fund
5780 services described in the plan;
- 5781 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
5782 Cooperation Act, Title ~~[17A]~~ 17B, Chapter 1, Part ~~[4, Uniform]~~ 6, Fiscal Procedures for
5783 ~~[Special]~~ Local Districts ~~[Act]~~, and Title 51, Chapter 2a, Accounting Reports from Political
5784 Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
- 5785 (xii) take and retain physical custody of minors committed to the physical custody of
5786 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,
5787 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.
- 5788 (b) Each plan under Subsection (4)(a)(ii) shall include services for adults, youth, and
5789 children, which shall include:
- 5790 (i) inpatient care and services;
- 5791 (ii) residential care and services;
- 5792 (iii) outpatient care and services;
- 5793 (iv) 24-hour crisis care and services;
- 5794 (v) psychotropic medication management;
- 5795 (vi) psychosocial rehabilitation, including vocational training and skills development;
- 5796 (vii) case management;
- 5797 (viii) community supports, including in-home services, housing, family support

5798 services, and respite services;

5799 (ix) consultation and education services, including case consultation, collaboration
5800 with other county service agencies, public education, and public information; and

5801 (x) services to persons incarcerated in a county jail or other county correctional facility.

5802 (5) Before disbursing any public funds, each local mental health authority shall require
5803 that each entity that receives any public funds from a local mental health authority agrees in
5804 writing that:

5805 (a) the entity's financial records and other records relevant to the entity's performance
5806 of the services provided to the mental health authority shall be subject to examination by:

5807 (i) the division;

5808 (ii) the local mental health authority director;

5809 (iii) (A) the county treasurer and county or district attorney; or

5810 (B) if two or more counties jointly provide mental health services under an agreement
5811 under Subsection (2), the designated treasurer and the designated legal officer;

5812 (iv) the county legislative body; and

5813 (v) in a county with a county executive that is separate from the county legislative
5814 body, the county executive;

5815 (b) the county auditor may examine and audit the entity's financial and other records
5816 relevant to the entity's performance of the services provided to the local mental health
5817 authority; and

5818 (c) the entity will comply with the provisions of Subsection (3)(b).

5819 (6) A local mental health authority may receive property, grants, gifts, supplies,
5820 materials, contributions, and any benefit derived therefrom, for mental health services. If those
5821 gifts are conditioned upon their use for a specified service or program, they shall be so used.

5822 (7) (a) As used in this section, "public funds" means the same as that term is defined in
5823 Section 17-43-303.

5824 (b) Public funds received for the provision of services pursuant to the local mental
5825 health plan may not be used for any other purpose except those authorized in the contract

5826 between the local mental health authority and the provider for the provision of plan services.

5827 Section 105. Section **17-50-103** is amended to read:

5828 **17-50-103. Use of "county" prohibited -- Legal action to compel compliance.**

5829 (1) For purposes of this section:

5830 ~~[(b)]~~ (a) (i) "Existing local entity" means a ~~[special district,]~~ local district, special
5831 service district, or other political subdivision of the state created before May 1, 2000.

5832 (ii) "Existing local entity" does not include a county, city, town, or school district.

5833 ~~[(c)]~~ (b) (i) ~~["Special"]~~ "Local district" means a ~~[special]~~ local district under Title ~~[17A;~~
5834 ~~Special Districts,]~~ 17B, Limited Purpose Local Government Entities - Local Districts, that:

5835 (A) by statute is a political and corporate entity separate from the county that created it;
5836 and

5837 (B) by statute is not subject to the direction and control of the county that created it.

5838 (ii) The county legislative body's statutory authority to appoint members to the
5839 governing body of a ~~[special]~~ local district does not alone make the ~~[special]~~ local district
5840 subject to the direction and control of that county.

5841 ~~[(a)]~~ (c) (i) "New local entity" means a city, town, school district, ~~[special district,]~~
5842 local district ~~[under Title 17B, Chapter 2, Local Districts,]~~ special service district, or other
5843 political subdivision of the state created on or after May 1, 2000.

5844 (ii) "New local entity" does not include a county.

5845 (2) (a) A new local entity may not use the word "county" in its name.

5846 (b) After January 1, 2005, an existing local entity may not use the word "county" in its
5847 name unless the county whose name is used by the existing local entity gives its written
5848 consent.

5849 (3) A county with a name similar to the name of a new local entity or existing local
5850 entity in violation of this section may bring legal action in district court to compel compliance
5851 with this section.

5852 Section 106. Section **17-52-403** is amended to read:

5853 **17-52-403. Adoption of optional plan -- Effect of adoption.**

5854 (1) If a proposed optional plan is approved at an election held under Section
5855 17-52-206:

5856 (a) the proposed optional plan becomes effective according to its terms and, subject to
5857 Subsection 17-52-401(1)(c), at the time specified in it, is public record open to inspection by
5858 the public, and is judicially noticeable by all courts;

5859 (b) the county clerk shall, within ten days of the canvass of the election, file with the
5860 lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct
5861 copy;

5862 (c) all public officers and employees shall cooperate fully in making the transition
5863 between forms of county government; and

5864 (d) the county legislative body may enact and enforce necessary ordinances to bring
5865 about an orderly transition to the new form of government, including any transfer of power,
5866 records, documents, properties, assets, funds, liabilities, or personnel that are consistent with
5867 the approved optional plan and necessary or convenient to place it into full effect.

5868 (2) Adoption of an optional plan changing only the form of county government without
5869 adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County
5870 Government, does not alter or affect the boundaries, organization, powers, duties, or functions
5871 of any:

5872 (a) school district;

5873 (b) justice court;

5874 (c) ~~[independent special]~~ local district ~~[established]~~ under Title ~~[17A, Chapter 2,~~
5875 ~~Independent Special Districts]~~ 17B, Limited Purpose Local Government Entities - Local
5876 Districts;

5877 (d) special service district under Title 17A, Chapter 2, Part 13, Utah Special Service
5878 District Act;

5879 ~~[(d)]~~ (e) city or town; or

5880 ~~[(e)]~~ (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal
5881 Cooperation Act.

5882 (3) After the adoption of an optional plan, the county remains vested with all powers
5883 and duties vested generally in counties by statute.

5884 Section 107. Section **17A-2-1314** is amended to read:

5885 **TITLE 17A. LOCAL GOVERNMENT CONTROLLED DISTRICTS**

5886 **CHAPTER 2. INDEPENDENT DISTRICTS**

5887 **17A-2-1314. Rights, powers, and authority of special service district.**

5888 (1) In addition to all other rights, powers, and authority granted by law or by other
5889 provisions of this part, a service district has the following rights, powers and authority:

5890 (a) The right to sue and be sued.

5891 (b) The power to exercise all powers of eminent domain possessed by the county or
5892 municipality which established the service district.

5893 (c) The power to enter into contracts considered desirable by the governing authority of
5894 the service district to carry out the functions of the service district, including, without
5895 limitation, the power to enter into contracts with the government of the United States or any of
5896 its agencies, the State of Utah, counties, municipalities, school districts, and other public
5897 corporations, districts, or political subdivisions including institutions of higher education.
5898 These contracts may include, without limitation, provisions concerning the use, operation, and
5899 maintenance of any facilities of the service district and the collection of fees or charges with
5900 respect to commodities, services, or facilities provided by the service district.

5901 (d) The power to acquire or construct facilities, to purchase, take, receive, lease, take
5902 by gift, devise or bequest, or otherwise acquire, own, hold, improve, use, finance, and
5903 otherwise deal in and with real and personal property, or any interest in them, wherever
5904 situated, either within or outside of the service district, including water and water rights, and
5905 including the power to acquire other than by condemnation property or interests in property
5906 owned or held by institutions of higher education.

5907 (e) The power to sell, convey, mortgage, pledge, lease, exchange, transfer, and
5908 otherwise dispose of or contract with respect to the use, operation, and maintenance of, all or
5909 any part of its property and assets, including water and water rights.

5910 (f) The power to accept governmental grants, loans, or funds and to comply with the
5911 conditions of them.

5912 (g) The right to utilize any officers, employees, property, equipment, offices, or
5913 facilities of the county or municipality which established the service district, and for which the
5914 governing authority of the service district shall reimburse the county or municipality from
5915 service district funds, a reasonable amount for the services so rendered or for the property,
5916 equipment, offices, or facilities so used.

5917 (h) The right to employ officers, employees, and agents for the service district,
5918 including engineers, accountants, attorneys, and financial consultants, and to fix their
5919 compensation.

5920 (i) The right to adopt an official seal for the service district.

5921 (2) The county legislative body shall by ordinance establish those classes of contracts
5922 of a service district which shall be subject to the requirements of Title 11, Chapter 39, Building
5923 Improvements and Public Works Projects, or of any law hereafter enacted for the same
5924 purpose.

5925 (3) The governing authority of a municipality shall by ordinance establish those classes
5926 of contracts of a service district which shall be subject to the requirements of Title 11, Chapter
5927 39, Building Improvements and Public Works Projects, or of any law hereafter enacted for the
5928 same purpose.

5929 (4) (a) A special service district is, to the same extent as if it were a local district,
5930 subject to and governed by:

5931 (i) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-109, 17B-1-110, 17B-1-111,
5932 17B-1-112, 17B-1-113, and 17B-1-116;

5933 (ii) Sections 17B-1-304, 17B-1-305, 17B-1-306, 17B-1-307, 17B-1-310, 17B-1-312,
5934 and 17B-1-313;

5935 (iii) Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts;

5936 (iv) Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports; and

5937 (v) Title 17B, Chapter 1, Part 8, Local District Personnel Management.

5938 (b) For purposes of applying the provisions listed in Subsection (4)(a) to a special
 5939 service district, each reference in those provisions to the local district board of trustees means:

5940 (i) the legislative body of the county, city, or town that established the special service
 5941 district, to the extent that the county or municipal legislative body has not delegated authority
 5942 to an administrative control board appointed under Section 17A-2-1326; or

5943 (ii) the administrative control board of the special service district, to the extent that the
 5944 county or municipal legislative body has delegated authority to an administrative control board
 5945 appointed under Section 17A-2-1326.

5946 Section 108. Section **17A-2-1315** is amended to read:

5947 **17A-2-1315. Designation of assessment area by special service district.**

5948 [(†)] In addition to all other rights, powers, and authority granted by law or by other
 5949 provisions of this part, a special service district [~~established by a county~~] under this part may
 5950 [~~organize an improvement district under Chapter 3, Part 2~~] designate an assessment area and
 5951 levy an assessment as provided in Title 11, Chapter 42, Assessment Area Act. [~~This~~
 5952 ~~improvement district has all the rights, powers, and authority of an improvement district~~
 5953 ~~otherwise organized under Chapter 3, Part 3, except:~~]

5954 [~~(a) notwithstanding Subsection 17A-3-228(4), any bonds issued under Chapter 3, Part~~
 5955 ~~2, need comply only with the requirements of Section 11-14-304 with regard to the use of~~
 5956 ~~manual and facsimile signatures;~~]

5957 [~~(b) the governing authority of the service district may act in the same capacity as the~~
 5958 ~~governing body of a county with respect to all actions required to be taken in the creation or~~
 5959 ~~administration of an improvement district under Chapter 3, Part 2; and]~~

5960 [~~(c) notwithstanding Subsection 17A-3-204(1), an improvement district created by a~~
 5961 ~~service district may be organized to include any incorporated or unincorporated area of the~~
 5962 ~~county and may cause improvements to be made within any incorporated or unincorporated~~
 5963 ~~area of the county, and the consent of the governing body of the municipality in which an~~
 5964 ~~incorporated area lies is not required prior to the establishment of an improvement district that~~
 5965 ~~includes all or part of that incorporated area.]~~

5966 ~~[(2) In addition to all other rights, powers, and authority granted by law or by other~~
5967 ~~provisions of this part, a service district established by a municipality under this part may~~
5968 ~~organize an improvement district under Chapter 3, Part 3. This improvement district has all the~~
5969 ~~rights, powers, and authority of an improvement district otherwise organized under Chapter 3,~~
5970 ~~Part 3, except that:]~~

5971 ~~[(a) notwithstanding Section 17A-3-328, any bonds issued under Chapter 3, Part 3,~~
5972 ~~need comply only with the requirements of Section 11-14-304, with regard to the use of manual~~
5973 ~~and facsimile signatures;]~~

5974 ~~[(b) the governing authority of the service district may act in the same capacity as the~~
5975 ~~governing body of a municipality with respect to all actions required to be taken in the creation~~
5976 ~~or administration of an improvement district under Chapter 3, Part 3, and]~~

5977 ~~[(c) notwithstanding Subsection 17A-3-313(1), assessments for improvements in an~~
5978 ~~improvement district organized under Chapter 3, Part 3, may include assessments for all~~
5979 ~~interest on any bonds issued.]~~

5980 Section 109. Section **17A-2-1326** is amended to read:

5981 **17A-2-1326. Administrative control board -- Powers -- Compensation.**

5982 (1) (a) The legislative body of a municipality or county that has established a special
5983 service district may, by resolution adopted at the time of the establishment or at any time
5984 afterwards, create an administrative control board for the special service district.

5985 (b) (i) Except as provided in Subsection (1)(f), each administrative control board shall
5986 consist of at least three and no more than seven persons.

5987 (ii) (A) If a county establishes a service district that includes all or part of one or more
5988 municipalities or one or more improvement districts organized under Title 17A, Chapter 2, Part
5989 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric and Gas, to
5990 provide the same service as the service district, the municipality or improvement district may
5991 appoint one member to represent it on any administrative control board created.

5992 (B) A member appointed under Subsection (1)(b)(ii)(A) may, but need not, be a
5993 qualified elector of the service district.

5994 (c) (i) If a service district is providing commodities, services, or facilities to an
5995 institution of higher education, that institution may appoint the number of members necessary
5996 to assure that it has at least 1/3 of the total of the board members to represent it on the board.

5997 (ii) Members appointed under Subsection (1)(c)(i) may, but need not, be qualified
5998 electors of the service district.

5999 (d) The number of members of the administrative control board shall be increased by
6000 the number of improvement district, municipal, or institution of higher education members
6001 appointed.

6002 (e) (i) Except as provided in Subsections (1)(b)(ii)(B), (c)(ii), and (e)(ii), each member
6003 of an administrative control board shall be a qualified elector of the service district.

6004 (ii) A member of an administrative control board may be other than a qualified elector
6005 of the service district if at least 90% of the owners of property located within the service
6006 district are not qualified electors of the service district.

6007 (f) Notwithstanding Subsection (1)(b), each administrative control board of a special
6008 service district that provides jail services as provided in Subsection 17A-2-1304(1)(a)(x) shall
6009 consist of nine members, three of whom shall be selected from a list of at least six
6010 recommendations from the county sheriff, three of whom shall be selected from a list of at least
6011 six recommendations from the municipalities within the county, and three of whom shall be
6012 selected from a list of at least six recommendations from the county executive.

6013 (2) Members of the administrative control board other than improvement district,
6014 municipal, or institution of higher education members shall be either appointed or elected as
6015 provided in Title 17A, Chapter 1, Part 3, Special District Board Selection Procedures.

6016 (3) (a) If a service district was established to provide either water or sewerage service
6017 or both, the governing authority may by resolution adopted at or after the time of establishment,
6018 or if the service district was established before March 29, 1983, or within 90 days after that
6019 date, create an administrative control board according to Subsection (1).

6020 (b) A resolution creating a service district for water or sewerage purposes adopted
6021 under Section 17A-2-1305 after March 29, 1983, shall identify all existing water and sewerage

6022 districts within the area of the proposed service district.

6023 (4) (a) One-half of the members initially elected or appointed shall serve two-year
6024 terms and 1/2 shall serve four year terms.

6025 (b) The initial terms shall be determined by lot.

6026 (5) (a) The legislative body of the municipality or county that established the service
6027 district may, by resolution, delegate any of its powers to the administrative control board,
6028 including the power to act as the governing authority of the service district and to exercise all
6029 or any of the powers provided for in Sections 17A-2-1314, 17A-2-1316, 17A-2-1320, and
6030 17A-2-1321.

6031 (b) Notwithstanding anything to the contrary in this part, the legislative body of the
6032 municipality or county may not delegate the power to:

6033 (i) levy a tax on the taxable property of the service district;

6034 (ii) issue bonds payable from taxes;

6035 (iii) call or hold an election for the authorization of the tax or bonds;

6036 (iv) levy assessments;

6037 (v) issue interim warrants or bonds payable from those assessments; or

6038 (vi) appoint a board of equalization under Section [~~17A-3-217 or Section 17A-3-317~~]
6039 11-42-404.

6040 (6) The county or municipal legislative body that created the district may revoke in
6041 whole or in part any power or authority delegated to an administrative control board or other
6042 officers or employees.

6043 (7) Administrative control board members may receive compensation and
6044 reimbursement of expenses as provided in Section [~~17B-2-404~~] 17B-1-307 to the same extent
6045 as if they were members of a board of trustees of a local district.

6046 (8) If a county legislative body establishes an administrative control board under this
6047 section for a special service district that provides jail service as provided in Subsection
6048 17A-2-1304(1)(a)(x), the administrative control board may review and approve any amount
6049 charged to the special service district as reimbursement to the county for services provided

6050 under Subsection 17A-2-1314(1)(g) before the amount is included in the special service district
6051 budget.

6052 Section 110. Section **17A-2-1330** is amended to read:

6053 **17A-2-1330. Other districts not affected -- Election by other districts to become**
6054 **service districts.**

6055 (1) The adoption of this part shall not affect the existence or operation of any
6056 improvement district operating under authority of Title 17B, Chapter [2] 2a, Part [3] 4,
6057 metropolitan water district, water conservancy district, county service area, drainage district,
6058 fire protection district, or other district in existence on July 1, 1975; and, except as otherwise
6059 provided in Sections [~~17A-2-502~~] 17B-2a-204 and [~~17A-2-601~~] 17B-2a-302, such districts
6060 may continue to be established pursuant to existing laws authorizing the same. Any such
6061 district existing on July 1, 1975, or established afterwards which provides services of the type
6062 permitted by this part for service districts may elect to become a service district and be
6063 governed by the provisions of this part upon:

6064 (a) adoption of a resolution or ordinance by the governing authority of the district so
6065 electing; and

6066 (b) establishment of a new service district to supply the same services as the former
6067 district to the same area as the former district after compliance with the procedures for the
6068 establishment of service districts provided for in this part.

6069 (2) Any outstanding bonds, notes or other obligations of any former district described
6070 in Subsection (1) shall become the bonds, notes, and obligations of the new service district
6071 with like effect as if issued by the service district; and any election authorizing the issuance of
6072 bonds of the former district shall have like effect as a bond election held under this part. Taxes
6073 in the amount and at the rate levied by the former district in the tax year preceding the change
6074 to the service district may continue to be levied by the service district without authorization at
6075 an election in the service district. No increase in the rate of these taxes shall be made unless an
6076 election authorizing the increase is held as provided for in this part; except that if any
6077 outstanding bonds are payable from taxes, the service district may levy such taxes as are

6078 necessary to pay the principal of and interest on these bonds without limit as to rate or amount
6079 and without an election.

6080 Section 111. Section **17B-1-101** is enacted to read:

6081 **TITLE 17B. LIMITED PURPOSE LOCAL GOVERNMENT**

6082 **ENTITIES - LOCAL DISTRICTS**

6083 **CHAPTER 1. PROVISIONS APPLICABLE TO ALL LOCAL DISTRICTS**

6084 **Part 1. General Provisions**

6085 **17B-1-101. Title.**

6086 (1) This title is known as "Limited Purpose Local Government Entities - Local
6087 Districts."

6088 (2) This chapter is know as "Provisions Applicable to All Local Districts."

6089 Section 112. Section **17B-1-102**, which is renumbered from Section 17B-2-101 is
6090 renumbered and amended to read:

6091 ~~[17B-2-101].~~ **17B-1-102. Definitions.**

6092 As used in this [chapter] title:

6093 (1) "Appointing authority" means the person or body authorized to make an
6094 appointment to the board of trustees.

6095 (2) "Basic local district":

6096 (a) means a local district that is not a cemetery maintenance district, drainage district,
6097 fire protection district, improvement district, irrigation district, metropolitan water district,
6098 mosquito abatement district, public transit district, service area, or water conservancy district;
6099 and

6100 (b) includes an entity that was, under the law in effect before April 30, 2007, created
6101 and operated as a local district, as defined under the law in effect before April 30, 2007.

6102 (3) "Bond" means:

6103 (a) a written obligation to repay borrowed money, whether denominated a bond, note,
6104 warrant, certificate of indebtedness, or otherwise; and

6105 (b) a lease agreement, installment purchase agreement, or other agreement that:

6106 (i) includes an obligation by the district to pay money; and
6107 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title
6108 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond
6109 Act.

6110 (4) "Cemetery maintenance district" means a local district that operates under and is
6111 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District
6112 Act, including an entity that was created and operated as a cemetery maintenance district under
6113 the law in effect before April 30, 2007.

6114 (5) "Drainage district" means a local district that operates under and is subject to the
6115 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that
6116 was created and operated as a drainage district under the law in effect before April 30, 2007.

6117 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,
6118 water, or other real or personal property required to provide a service that a local district is
6119 authorized to provide, including any related or appurtenant easement or right-of-way,
6120 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

6121 (7) "Fire protection district" means a local district that operates under and is subject to
6122 the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an
6123 entity that was created and operated as a fire protection district under the law in effect before
6124 April 30, 2007.

6125 (8) "General obligation bond":

6126 (a) means a bond that is directly payable from and secured by ad valorem property
6127 taxes that are:

6128 (i) levied by the district that issues the bond; and

6129 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

6130 and

6131 (b) does not include:

6132 (i) a short-term bond;

6133 (ii) a tax and revenue anticipation bond; or

6134 (iii) a special assessment bond.

6135 (9) "Improvement district" means a local district that operates under and is subject to
6136 the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an
6137 entity that was created and operated as a county improvement district under the law in effect
6138 before April 30, 2007.

6139 (10) "Irrigation district" means a local district that operates under and is subject to the
6140 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity that
6141 was created and operated as an irrigation district under the law in effect before April 30, 2007.

6142 (11) "Local district" means a limited purpose local government entity, as described in
6143 Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:

6144 (a) this chapter; or

6145 (b) (i) this chapter; and

6146 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

6147 (B) Chapter 2a, Part 2, Drainage District Act;

6148 (C) Chapter 2a, Part 3, Fire Protection District Act;

6149 (D) Chapter 2a, Part 4, Improvement District Act;

6150 (E) Chapter 2a, Part 5, Irrigation District Act;

6151 (F) Chapter 2a, Part 6, Metropolitan Water District Act;

6152 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

6153 (H) Chapter 2a, Part 8, Public Transit District Act;

6154 (I) Chapter 2a, Part 9, Service Area Act; or

6155 (J) Chapter 2a, Part 10, Water Conservancy District Act.

6156 (12) "Metropolitan water district" means a local district that operates under and is
6157 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District
6158 Act, including an entity that was created and operated as a metropolitan water district under the
6159 law in effect before April 30, 2007.

6160 (13) "Mosquito abatement district" means a local district that operates under and is
6161 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District

6162 Act, including an entity that was created and operated as a mosquito abatement district under
6163 the law in effect before April 30, 2007.

6164 ~~[(1) "Local district" means a local government entity, created according to the~~
6165 ~~provisions of Part 2, Creation of Local Districts, that is not a general purpose government~~
6166 ~~entity but is a separate legal and corporate entity and a political subdivision of the state,~~
6167 ~~authorized to provide limited services in a defined geographic area, as provided in Part 2,~~
6168 ~~Creation of Local Districts.]~~

6169 ~~[(2)]~~ (14) "Municipal" means of or relating to a municipality.

6170 ~~[(3)]~~ (15) "Municipality" means a city or town.

6171 (16) "Person" has the same meaning as defined in Section 68-3-12.

6172 ~~[(4)]~~ (17) "Political subdivision" means a county, city, town, local district under this
6173 ~~[chapter, independent special district under Title 17A, Chapter 2, Independent Special~~
6174 ~~Districts,] title, special service district under Title 17A, Chapter 2, Part 13, Utah Special~~
6175 ~~Service District Act, an entity created by interlocal cooperation agreement under Title 11,~~
6176 ~~Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated in statute~~
6177 ~~as a political subdivision of the state.~~

6178 ~~[(5)]~~ (18) "Private," with respect to real property, means not owned by the United
6179 States or any agency of the federal government, the state, a county, ~~[a municipality, a school~~
6180 ~~district, an independent special district under Title 17A, Chapter 2, Independent Special~~
6181 ~~Districts, a local district, or any other] or a political subdivision [of the state].~~

6182 (19) "Public entity" means:

6183 (a) the United States or an agency of the United States;

6184 (b) the state or an agency of the state;

6185 (c) a political subdivision of the state or an agency of a political subdivision of the
6186 state;

6187 (d) another state or an agency of that state; or

6188 (e) a political subdivision of another state or an agency of that political subdivision.

6189 (20) "Public transit district" means a local district that operates under and is subject to

6190 the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act, including an
6191 entity that was created and operated as a public transit district under the law in effect before
6192 April 30, 2007.

6193 (21) "Revenue bond":

6194 (a) means a bond payable from designated taxes or other revenues other than the local
6195 district's ad valorem property taxes; and

6196 (b) does not include:

6197 (i) an obligation constituting an indebtedness within the meaning of an applicable
6198 constitutional or statutory debt limit;

6199 (ii) a tax and revenue anticipation bond; or

6200 (iii) a special assessment bond.

6201 (22) "Service area" means a local district that operates under and is subject to the
6202 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was
6203 created and operated as a county service area or a regional service area under the law in effect
6204 before April 30, 2007.

6205 (23) "Short-term bond" means a bond that is required to be repaid during the fiscal year
6206 in which the bond is issued.

6207 (24) "Special assessment" means an assessment levied against property to pay all or a
6208 portion of the costs of making improvements that benefit the property.

6209 (25) "Special assessment bond" means a bond payable from special assessments.

6210 (26) "Taxable value" means the taxable value of property as computed from the most
6211 recent equalized assessment roll for county purposes.

6212 (27) "Tax and revenue anticipation bond" means a bond:

6213 (a) issued in anticipation of the collection of taxes or other revenues or a combination
6214 of taxes and other revenues; and

6215 (b) that matures within the same fiscal year as the fiscal year in which the bond is
6216 issued.

6217 ~~(6)~~ (28) "Unincorporated" means not included within a municipality.

6218 (29) "Water conservancy district" means a local district that operates under and is
6219 subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District
6220 Act, including an entity that was created and operated as a water conservancy district under the
6221 law in effect before April 30, 2007.

6222 (30) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain, tunnel,
6223 power plant, and any facility, improvement, or property necessary or convenient for supplying
6224 or treating water for any beneficial use, and for otherwise accomplishing the purposes of a local
6225 district.

6226 Section 113. Section **17B-1-103** is enacted to read:

6227 **17B-1-103. Local district status and powers.**

6228 (1) A local district:

6229 (a) is:

6230 (i) a body corporate and politic with perpetual succession;

6231 (ii) a quasi-municipal corporation; and

6232 (iii) a political subdivision of the state; and

6233 (b) may sue and be sued.

6234 (2) A local district may:

6235 (a) acquire, by any lawful means, or lease any real or personal property necessary or
6236 convenient to the full exercise of the district's powers;

6237 (b) acquire, by any lawful means, any interest in real or personal property necessary or
6238 convenient to the full exercise of the district's powers;

6239 (c) transfer an interest in or dispose of any property or interest described in Subsections
6240 (2)(a) and (b);

6241 (d) acquire or construct works, facilities, and improvements necessary or convenient to
6242 the full exercise of the district's powers, and operate, control, maintain, and use those works,
6243 facilities, and improvements;

6244 (e) borrow money and incur indebtedness for any lawful district purpose;

6245 (f) issue bonds, including refunding bonds;

- 6246 (i) for any lawful district purpose; and
- 6247 (ii) as provided in and subject to Part 10, Local District Bonds;
- 6248 (g) levy and collect property taxes:
- 6249 (i) for any lawful district purpose or expenditure, including to cover a deficit resulting
- 6250 from tax delinquencies in a preceding year; and
- 6251 (ii) as provided in and subject to Part 10, Local District Property Tax Levy;
- 6252 (h) as provided in Title 78, Chapter 34, Eminent Domain, acquire by eminent domain
- 6253 property necessary to the exercise of the district's powers;
- 6254 (i) invest money as provided in Title 51, Chapter 7, State Money Management Act;
- 6255 (j) (i) impose fees or other charges for commodities, services, or facilities provided by
- 6256 the district, to pay some or all of the district's costs of providing the commodities, services, and
- 6257 facilities, including the costs of:
- 6258 (A) maintaining and operating the district;
- 6259 (B) acquiring, purchasing, constructing, improving, or enlarging district facilities;
- 6260 (C) issuing bonds and paying debt service on district bonds; and
- 6261 (D) providing a reserve established by the board of trustees; and
- 6262 (ii) take action the board of trustees considers appropriate and adopt regulations to
- 6263 assure the collection of all fees and charges that the district imposes;
- 6264 (k) if applicable, charge and collect a fee to pay for the cost of connecting a customer's
- 6265 property to district facilities in order for the district to provide service to the property;
- 6266 (l) enter into a contract that the local district board of trustees considers necessary,
- 6267 convenient, or desirable to carry out the district's purposes, including a contract:
- 6268 (i) with the United States or any department or agency of the United States;
- 6269 (ii) to indemnify and save harmless; or
- 6270 (iii) to do any act to exercise district powers;
- 6271 (m) purchase supplies, equipment, and materials;
- 6272 (n) encumber district property upon terms and conditions that the board of trustees
- 6273 considers appropriate;

- 6274 (o) exercise other powers and perform other functions that are provided by law;
- 6275 (p) construct and maintain works and establish and maintain facilities, including works
- 6276 or facilities:
- 6277 (i) across or along any public street or highway, subject to Subsection (3) and if the
- 6278 district:
- 6279 (A) promptly restores the street or highway, as much as practicable, to its former state
- 6280 of usefulness; and
- 6281 (B) does not use the street or highway in a manner that completely or unnecessarily
- 6282 impairs the usefulness of it;
- 6283 (ii) in, upon, or over any vacant public lands that are or become the property of the
- 6284 state, including school and institutional trust lands, as defined in Section 53C-1-103, if the
- 6285 director of the School and Institutional Trust Lands Administration, acting under Sections
- 6286 53C-1-102 and 53C-1-303, consents; or
- 6287 (iii) across any stream of water or watercourse, subject to Section 73-3-29;
- 6288 (q) perform any act or exercise any power reasonably necessary for the efficient
- 6289 operation of the local district in carrying out its purposes;
- 6290 (r) designate an assessment area and levy an assessment on land within the assessment
- 6291 area, as provided in Title 11, Chapter 42, Assessment Area Act;
- 6292 (s) contract with another political subdivision of the state to allow the other political
- 6293 subdivision to use the surplus capacity of or have an ownership interest in the district's works
- 6294 or facilities, upon the terms and for the consideration, whether monetary or nonmonetary
- 6295 consideration or no consideration, that the district's board of trustees considers to be in the best
- 6296 interests of the district and the public; and
- 6297 (t) contract with another political subdivision of the state or with a public or private
- 6298 owner of property on which the district has a right-of-way to allow the political subdivision or
- 6299 owner to use the surface of the land on which the district has a right-of-way, upon the terms
- 6300 and for the consideration, whether monetary or nonmonetary consideration or no consideration,
- 6301 that the district's board of trustees considers to be in the best interests of the district and the

6302 public.

6303 (3) With respect to a local district's use of a street or highway, as provided in

6304 Subsection (2)(q)(i):

6305 (a) the district shall comply with the reasonable rules and regulations of the
6306 governmental entity, whether state, county, or municipal, with jurisdiction over the street or
6307 highway, concerning:

6308 (i) an excavation and the refilling of an excavation;

6309 (ii) the relaying of pavement; and

6310 (iii) the protection of the public during a construction period; and

6311 (b) the governmental entity, whether state, county, or municipal, with jurisdiction over
6312 the street or highway:

6313 (i) may not require the district to pay a license or permit fee or file a bond; and

6314 (ii) may require the district to pay a reasonable inspection fee.

6315 (4) (a) A local district may:

6316 (i) acquire, lease, or construct and operate electrical generation, transmission, and
6317 distribution facilities, if:

6318 (A) the purpose of the facilities is to harness energy that results inherently from the
6319 district's:

6320 (I) operation of a project or facilities that the district is authorized to operate; or

6321 (II) providing a service that the district is authorized to provide;

6322 (B) the generation of electricity from the facilities is incidental to the primary
6323 operations of the district; and

6324 (C) operation of the facilities will not hinder or interfere with the primary operations of
6325 the district;

6326 (ii) (A) use electricity generated by the facilities; or

6327 (B) subject to Subsection (4)(b), sell electricity generated by the facilities to an electric
6328 utility or municipality with an existing system for distributing electricity.

6329 (b) A district may not act as a retail distributor or seller of electricity.

6330 (c) Revenue that a district receives from the sale of electricity from electrical
6331 generation facilities it owns or operates under this section may be used for any lawful district
6332 purpose, including the payment of bonds issued to pay some or all of the cost of acquiring or
6333 constructing the facilities.

6334 (5) A local district may adopt and, after adoption, alter a corporate seal.

6335 Section 114. Section **17B-1-104**, which is renumbered from Section 17B-2-102 is
6336 renumbered and amended to read:

6337 ~~[17B-2-102].~~ **17B-1-104. Property owner provisions.**

6338 (1) For purposes of this [chapter] title:

6339 (a) the owner of real property shall be the fee title owner according to the records of the
6340 county recorder on the date of the filing of the request or petition; and

6341 (b) the value of private real property shall be determined according to the last
6342 assessment before the filing of the request or petition, as determined by:

6343 (i) the county under Title 59, Chapter 2, Part 3, County Assessment, for property
6344 subject to assessment by the county;

6345 (ii) the State Tax Commission under Title 59, Chapter 2, Part 2, Assessment of
6346 Property, for property subject to assessment by the State Tax Commission; or

6347 (iii) the county, for all other property.

6348 (2) For purposes of each provision of this [chapter] title that requires the owners of
6349 private real property covering a percentage of the total private land area within the proposed
6350 local district to sign a request, petition, or protest:

6351 (a) a parcel of real property may not be included in the calculation of the required
6352 percentage unless the request or petition is signed by:

6353 (i) except as provided in Subsection (2)(a)(ii), owners representing a majority
6354 ownership interest in that parcel; or

6355 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
6356 of owners of that parcel;

6357 (b) the signature of a person signing a request or petition in a representative capacity on

6358 behalf of an owner is invalid unless:

6359 (i) the person's representative capacity and the name of the owner the person represents
6360 are indicated on the request or petition with the person's signature; and

6361 (ii) the person provides documentation accompanying the request or petition that
6362 reasonably substantiates the person's representative capacity; and

6363 (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a
6364 request or petition on behalf of a deceased owner.

6365 Section 115. Section **17B-1-105**, which is renumbered from Section 17A-1-204 is
6366 renumbered and amended to read:

6367 ~~[17A-1-204].~~ **17B-1-105. Name of local district -- Name change.**

6368 (1) (a) The name of each [~~special~~] local district created on or after May 1, 2000 shall
6369 comply with Subsection 17-50-103(2)(a).

6370 [~~2~~] (b) The board of each [~~special~~] local district affected by Subsection
6371 17-50-103(2)(b) shall ensure that after January 1, 2005 the [~~special~~] local district name
6372 complies with the requirements of that Subsection.

6373 (2) The name of a local district created after April 30, 2007 may not include the name
6374 of a county or municipality.

6375 (3) The name of a local district may include words descriptive of the type of service
6376 that the district provides.

6377 [~~3~~] (4) (a) A [~~special~~] local district board may change the name of that [~~special~~] local
6378 district by:

6379 (i) holding a public hearing on the proposed name change;

6380 (ii) adopting a resolution approving the name change; and

6381 (iii) giving written notice of the name change to the lieutenant governor, the State Tax
6382 Commission, the state auditor, and the clerk, recorder, and assessor of each county in which
6383 any part of the [~~special~~] local district is located.

6384 (b) A name change under Subsection [~~3~~] (4)(a) becomes effective upon the board's
6385 giving the notice required under Subsection [~~3~~] (4)(a)(iii).

6386 Section 116. Section **17B-1-106**, which is renumbered from Section 17B-2-104 is
6387 renumbered and amended to read:

6388 ~~[17B-2-104].~~ **17B-1-106. Notice before preparing or amending a**
6389 **long-range plan or acquiring certain property.**

6390 (1) As used in this section:

6391 (a) (i) "Affected entity" means each county, municipality, [~~independent special district~~
6392 ~~under Title 17A, Chapter 2, Independent Special Districts,]~~ local district under this [~~chapter~~
6393 title, special service district, school district, interlocal cooperation entity established under Title
6394 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

6395 (A) whose services or facilities are likely to require expansion or significant
6396 modification because of an intended use of land; or

6397 (B) that has filed with the local district a copy of the general or long-range plan of the
6398 county, municipality, [~~independent special district,]~~ local district, school district, interlocal
6399 cooperation entity, or specified public utility.

6400 (ii) "Affected entity" does not include the local district that is required under this
6401 section to provide notice.

6402 (b) "Specified public utility" means an electrical corporation, gas corporation, or
6403 telephone corporation, as those terms are defined in Section 54-2-1.

6404 (2) (a) If a local district under this [~~chapter~~] title located in a county of the first or
6405 second class prepares a long-range plan regarding its facilities proposed for the future or
6406 amends an already existing long-range plan, the local district shall, before preparing a
6407 long-range plan or amendments to an existing long-range plan, provide written notice, as
6408 provided in this section, of its intent to prepare a long-range plan or to amend an existing
6409 long-range plan.

6410 (b) Each notice under Subsection (2)(a) shall:

6411 (i) indicate that the local district intends to prepare a long-range plan or to amend a
6412 long-range plan, as the case may be;

6413 (ii) describe or provide a map of the geographic area that will be affected by the

6414 long-range plan or amendments to a long-range plan;

6415 (iii) be sent to:

6416 (A) each county in whose unincorporated area and each municipality in whose
6417 boundaries is located the land on which the proposed long-range plan or amendments to a
6418 long-range plan are expected to indicate that the proposed facilities will be located;

6419 (B) each affected entity;

6420 (C) the Automated Geographic Reference Center created in Section 63F-1-506;

6421 (D) each association of governments, established pursuant to an interlocal agreement
6422 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
6423 described in Subsection (2)(b)(iii)(A) is a member; and

6424 (E) the state planning coordinator appointed under Section 63-38d-202;

6425 (iv) with respect to the notice to counties and municipalities described in Subsection
6426 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to
6427 consider in the process of preparing, adopting, and implementing the long-range plan or
6428 amendments to a long-range plan concerning:

6429 (A) impacts that the use of land proposed in the proposed long-range plan or
6430 amendments to a long-range plan may have on the county, municipality, or affected entity; and

6431 (B) uses of land that the county, municipality, or affected entity is planning or
6432 considering that may conflict with the proposed long-range plan or amendments to a long-range
6433 plan; and

6434 (v) include the address of an Internet website, if the local district has one, and the name
6435 and telephone number of a person where more information can be obtained concerning the
6436 local district's proposed long-range plan or amendments to a long-range plan.

6437 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire
6438 real property in a county of the first or second class for the purpose of expanding the district's
6439 infrastructure or other facilities used for providing the services that the district is authorized to
6440 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire
6441 the property if the intended use of the property is contrary to:

6442 (i) the anticipated use of the property under the county or municipality's general plan;

6443 or

6444 (ii) the property's current zoning designation.

6445 (b) Each notice under Subsection (3)(a) shall:

6446 (i) indicate that the local district intends to acquire real property;

6447 (ii) identify the real property; and

6448 (iii) be sent to:

6449 (A) each county in whose unincorporated area and each municipality in whose

6450 boundaries the property is located; and

6451 (B) each affected entity.

6452 (c) A notice under this Subsection (3) is a protected record as provided in Subsection

6453 63-2-304(7).

6454 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district
6455 previously provided notice under Subsection (2) identifying the general location within the
6456 municipality or unincorporated part of the county where the property to be acquired is located.

6457 (ii) If a local district is not required to comply with the notice requirement of
6458 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide
6459 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real
6460 property.

6461 Section 117. Section **17B-1-107**, which is renumbered from Section 17A-1-701 is
6462 renumbered and amended to read:

6463 ~~[17A-1-701].~~ **17B-1-107. Recording a release of lien.**

6464 If a ~~[special]~~ local district records a lien upon real property for an unpaid assessment by
6465 the owner and the owner then pays the assessment in full, including any interest and penalties,
6466 the ~~[special]~~ local district recording the lien shall record the release of the lien.

6467 Section 118. Section **17B-1-108**, which is renumbered from Section 17A-1-802 is
6468 renumbered and amended to read:

6469 ~~[17A-1-802].~~ **17B-1-108. Restrictions on local district procurement of**

6470 **architect-engineer services.**

6471 (1) As used in this section[, "~~architect-engineer~~];

6472 (a) "Architect-engineer services" means those professional services within the scope of
6473 the practice of architecture as defined in Section 58-3a-102[~~, or~~

6474 (b) "Engineer services" means those professional services within the scope of the
6475 practice of professional engineering as defined in Section 58-22-102.

6476 (2) When a [~~special~~] local district elects to obtain architect services or engineering
6477 services by using a competitive procurement process and has provided public notice of its
6478 competitive procurement process:

6479 (a) a higher education entity, or any part of one, may not submit a proposal in response
6480 to the [~~special~~] local district's competitive procurement process; and

6481 (b) the [~~special~~] local district may not award a contract to perform the architect services
6482 or engineering services solicited in the competitive procurement process to a higher education
6483 entity or any part of one.

6484 (3) Notwithstanding Subsection 63-56-102(3)(d), each local district board that engages
6485 the services of a professional architect, engineer, or surveyor and considers more than one such
6486 professional for the engagement:

6487 (a) shall consider, as a minimum, in the selection process:

6488 (i) the qualifications, experience, and background of each firm submitting a proposal;

6489 (ii) the specific individuals assigned to the project and the time commitments of each
6490 to the project; and

6491 (iii) the project schedule and the approach to the project that the firm will take; and

6492 (b) may engage the services of a professional architect, engineer, or surveyor based on
6493 the criteria under Subsection (3)(a) rather than solely on lowest cost.

6494 Section 119. Section **17B-1-109**, which is renumbered from Section 17A-1-202 is
6495 renumbered and amended to read:

6496 [~~17A-1-202~~]. **17B-1-109. Procurement -- Use of recycled goods.**

6497 The procurement officer or other person responsible for purchasing supplies for each

6498 [~~special~~] local district shall give recycled items consideration when inviting bids and
6499 purchasing supplies, in compliance with Section 11-37-101.

6500 Section 120. Section **17B-1-110**, which is renumbered from Section 17A-1-201 is
6501 renumbered and amended to read:

6502 ~~[17A-1-201].~~ **17B-1-110. Compliance with nepotism requirements.**

6503 Each [~~special~~] local district shall comply with Title 52, Chapter 3, Prohibiting
6504 Employment of Relatives.

6505 Section 121. Section **17B-1-111**, which is renumbered from Section 17A-1-203 is
6506 renumbered and amended to read:

6507 ~~[17A-1-203].~~ **17B-1-111. Impact fee resolution -- Notice and hearing**
6508 **requirements.**

6509 (1) (a) [~~When any special~~] If a local district wishes to impose impact fees, the
6510 [~~governing~~] board of trustees of the [~~special~~] local district shall:

6511 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,
6512 Chapter 36, Impact Fees Act;

6513 (ii) make a copy of the impact fee resolution available to the public at least 14 days
6514 before the date of the public hearing and hold a public hearing on the proposed impact fee
6515 resolution; and

6516 (iii) provide reasonable notice of the public hearing at least 14 days before the date of
6517 the hearing.

6518 (b) After the public hearing, the [~~governing~~] board of trustees may:

6519 (i) adopt the impact fee resolution as proposed;

6520 (ii) amend the impact fee resolution and adopt or reject it as amended; or

6521 (iii) reject the resolution.

6522 (2) A [~~special~~] local district meets the requirements of reasonable notice required by
6523 this section if it:

6524 (a) posts notice of the hearing or meeting in at least three public places within the
6525 jurisdiction and publishes notice of the hearing or meeting in a newspaper of general

6526 circulation in the jurisdiction, if one is available; or

6527 (b) gives actual notice of the hearing or meeting.

6528 (3) The [~~special~~] local district's [~~governing~~] board of trustees may enact a resolution
6529 establishing stricter notice requirements than those required by this section.

6530 (4) (a) Proof that one of the two forms of notice required by this section was given is
6531 prima facie evidence that notice was properly given.

6532 (b) If notice given under authority of this section is not challenged within 30 days from
6533 the date of the meeting for which the notice was given, the notice is considered adequate and
6534 proper.

6535 Section 122. Section **17B-1-112** is enacted to read:

6536 **17B-1-112. Publishing district information in telephone directory.**

6537 (1) Each local district with a total annual budget over \$5,000 shall:

6538 (a) subject to Subsection (2), provide the name, telephone number, and address of the
6539 district to the telephone directory publisher serving the geographic area within which the
6540 district is located; and

6541 (b) request the telephone directory publisher to publish the district's name, telephone
6542 number, and address in the government or other appropriate government-related section of the
6543 publisher's telephone directory that serves the area within which the district is located.

6544 (2) If the district does not have a telephone or address or both, the district shall provide
6545 the telephone number or address or both, as the case may be, of the district's officer in charge
6546 of the district's day to day operations, for and in the place of the telephone number or address
6547 or both of the district.

6548 (3) Subsection (1) does not apply to a local district whose name, telephone number,
6549 and address are published in the government or other appropriate government-related section of
6550 the telephone directory of the telephone directory publisher serving the geographic area within
6551 which the local district is located.

6552 Section 123. Section **17B-1-113**, which is renumbered from Section 17A-1-504 is
6553 renumbered and amended to read:

6554 ~~[17A-1-504].~~ **17B-1-113. Liability insurance.**

6555 ~~[(1) (a) (i) Except as provided in Subsection (1)(a)(ii), the legislative body of each~~
6556 ~~county, city, or town that creates a special district after May 4, 1998, shall, within 60 days of~~
6557 ~~the special district's creation, deliver written notification of the creation to the state auditor.]~~

6558 ~~[(ii) Notwithstanding Subsection (1)(a)(i), each special district created after May 4,~~
6559 ~~1998, shall, within 60 days of its creation, deliver written notification of its creation to the state~~
6560 ~~auditor, if the special district was created by other than a county, city, or town.]~~

6561 ~~[(b) The state auditor shall maintain a list of all special districts in the state.]~~

6562 ~~[(2)]~~ Each ~~[special]~~ local district with an annual operating budget of ~~[at least]~~ \$50,000
6563 or more shall obtain liability insurance as considered appropriate by the ~~[special]~~ local district
6564 board.

6565 Section 124. Section **17B-1-114** is enacted to read:

6566 **17B-1-114. Local district property taxes on a parity with general taxes.**

6567 Unless otherwise specifically provided by statute, property taxes levied by a local
6568 district shall constitute a lien on the property on a parity with and collectible at the same time
6569 and in the same manner as general county taxes that are a lien on the property.

6570 Section 125. Section **17B-1-115** is enacted to read:

6571 **17B-1-115. Validation of previously created local districts -- Continuation of**
6572 **certain local districts under this chapter -- Providing a previously authorized service.**

6573 (1) Each local district created before April 30, 2007 under the law in effect at the time
6574 of the creation is declared to be validly and legally constituted.

6575 (2) An entity created and operating under the law in effect before April 30, 2007 as a
6576 local district but not as a cemetery maintenance district, drainage district, fire protection
6577 district, improvement district, irrigation district, metropolitan water district, mosquito
6578 abatement district, public transit district, service area, or water conservancy district shall
6579 continue on and after April 30, 2007 as a local district subject to the provisions of this chapter
6580 but not subject to the provisions of Chapter 2a, Provisions Applicable to Different Types of
6581 Local Districts.

6582 (3) Nothing in this title may be construed to prohibit or limit a local district from
6583 providing on or after April 30, 2007 a service that it was authorized before that date to provide.

6584 Section 126. Section **17B-1-116** is enacted to read:

6585 **17B-1-116. Property exempt from taxation and execution.**

6586 All property and assets of a local district are exempt from taxation and exempt from
6587 execution.

6588 Section 127. Section **17B-1-117** is enacted to read:

6589 **17B-1-117. Severability.**

6590 A court's invalidation of any provision of this title may not be considered to affect the
6591 validity of any other provision of this title.

6592 Section 128. Section **17B-1-201**, which is renumbered from Section 17B-2-201 is
6593 renumbered and amended to read:

6594 **Part 2. Creation of a Local District**

6595 ~~[17B-2-201].~~ **17B-1-201. Definitions.**

6596 As used in this part:

6597 (1) "Applicable area" means:

6598 (a) for a county, the unincorporated area of the county that is included within the
6599 proposed local district; or

6600 (b) for a municipality, the area of the municipality that is included within the proposed
6601 local district.

6602 (2) "Governing body" means:

6603 (a) for a county or municipality, the legislative body of the county or municipality; and

6604 (b) for a local district, the board of trustees of the local district.

6605 (3) "Initiating local district" means a local district that adopts a resolution proposing
6606 the creation of a local district under Subsection 17B-1-203(1)(d).

6607 [~~2~~] (4) "Petition" means a petition under Subsection [~~17B-2-203~~] 17B-1-203(1)(a) or

6608 (b).

6609 [~~3~~] (5) "Property owner petition" means a petition under Subsection [~~17B-2-203~~]

6610 17B-1-203(1)(a).

6611 [~~(4)~~] (6) "Property owner request" means a request under Section [~~17B-2-204~~]

6612 17B-1-204 that is signed by owners of real property as provided in Subsection [~~17B-2-204~~]

6613 17B-1-204(2)(b)(i).

6614 [~~(5)~~] (7) "Registered voter request" means a request under Section [~~17B-2-204~~]

6615 17B-1-204 that is signed by registered voters as provided in Subsection [~~17B-2-204~~]

6616 17B-1-204(2)(b)(ii).

6617 [~~(6)~~] (8) "Registered voter petition" means a petition under Subsection [~~17B-2-203~~]

6618 17B-1-203(1)(b).

6619 [~~(7)~~] (9) "Request" means a request as described in Section [~~17B-2-204~~] 17B-1-204.

6620 [~~(8)~~] (10) "Responsible body" means the [~~legislative~~] governing body of:

6621 (a) the municipality in which the proposed local district is located, if the petition or

6622 resolution proposes the creation of a local district located entirely within a single municipality;

6623 (b) the county in which the proposed local district is located, if the petition or resolution

6624 proposes the creation of a local district located entirely within a single county and all or part of

6625 the proposed local district is located within:

6626 (i) the unincorporated part of the county; or

6627 (ii) more than one municipality within the county; [~~or~~]

6628 (c) if the petition or resolution proposes the creation of a local district located within

6629 more than one county, the county whose boundaries include more of the area of the proposed

6630 local district than is included within the boundaries of any other county[~~;~~]; or

6631 (d) the initiating local district, if a resolution proposing the creation of a local district is

6632 adopted under Subsection 17B-1-203(1)(d).

6633 [~~(9)~~] (11) "Responsible clerk" means the clerk of the county or the clerk or recorder of

6634 the municipality whose legislative body is the responsible body.

6635 Section 129. Section **17B-1-202**, which is renumbered from Section 17B-2-202 is

6636 renumbered and amended to read:

6637 [~~17B-2-202~~]. **17B-1-202. Local district may be created -- Services that may**

6638 **be provided -- Limitations.**

6639 (1) (a) A local district may be created as provided in this part to provide within its
6640 boundaries service consisting of:

6641 [~~(a)~~] (i) the operation of an airport;

6642 [~~(b)~~] (ii) the operation of a cemetery;

6643 [~~(c)~~] the operation of a system for the generation or distribution of electricity;

6644 [~~(d)~~] the operation of a system for the transmission of natural or manufactured gas that
6645 is;

6646 [~~(i)~~] connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as
6647 defined in Section 54-2-1, that is regulated under Section 54-4-1; and]

6648 [~~(ii)~~] to be used to facilitate gas utility service within the district if such gas utility
6649 service is not available within the district prior to the acquisition or construction of such a
6650 system;]

6651 [~~(e)~~] (iii) fire protection, paramedic, and emergency services;

6652 [~~(f)~~] (iv) garbage collection and disposal;

6653 [~~(g)~~] (v) health care, including health department or hospital service;

6654 [~~(h)~~] (vi) the operation of a library;

6655 [~~(i)~~] (vii) abatement or control of mosquitos and other insects;

6656 [~~(j)~~] (viii) the operation of parks or recreation facilities or services;

6657 [~~(k)~~] (ix) the operation of a sewage system;

6658 [~~(l)~~] (x) street lighting;

6659 [~~(m)~~] (xi) the construction and maintenance of curb, gutter, and sidewalk;

6660 [~~(n)~~] (xii) transportation, including public transit and providing streets and roads;

6661 [~~(o)~~] (xiii) the operation of a system [~~for the control of storm or flood waters~~], or one
6662 or more components of a system, for the collection, storage, retention, control, conservation,
6663 treatment, supplying, distribution, or reclamation of water, including storm, flood, sewage,
6664 irrigation, and culinary water, whether the system is operated on a wholesale or retail level or
6665 both;

6666 ~~[(p) the operation of an irrigation water system;]~~
6667 ~~[(q) the operation of a culinary water system; or]~~
6668 ~~(xiv) extended police protection; or~~
6669 ~~[(r)] (xv) subject to Subsection (1)(b), the underground installation of an electric utility~~
6670 ~~line or the conversion to underground of an existing electric utility line.~~

6671 (b) Each local district that provides the service of the underground installation of an
6672 electric utility line or the conversion to underground of an existing electric utility line shall, in
6673 installing or converting the line, provide advance notice to and coordinate with the utility that
6674 owns the line.

6675 (2) For purposes of this section:

6676 (a) "Operation" means all activities involved in providing the indicated service
6677 including acquisition and ownership of property reasonably necessary to provide the indicated
6678 service and acquisition, construction, and maintenance of facilities and equipment reasonably
6679 necessary to provide the indicated service.

6680 (b) "System" means the aggregate of interrelated components that combine together to
6681 provide the indicated service including~~[-(i)]~~, for a sewage system, collection and treatment~~;~~
6682 ~~and~~.

6683 ~~[(ii) for an irrigation or culinary water system, collection, retention, treatment, and~~
6684 ~~distribution to either the end user or another that in turn distributes to the end user.]~~

6685 (3) (a) ~~[Except as provided in Subsection (3)(b), a]~~ A local district may not be created
6686 to provide and may not after its creation provide ~~[no]~~ more than two of the services listed in
6687 Subsection (1).

6688 ~~[(b) Notwithstanding Subsection (3)(a), a local district may be created to provide and~~
6689 ~~may after its creation provide services consisting of:]~~

6690 ~~[(i) the operation of some or all of the components of a sewage system;]~~

6691 ~~[(ii) the operation of some or all of the components of an irrigation water system; and]~~

6692 ~~[(iii) the operation of some or all of the components of a culinary water system.]~~

6693 (b) Subsection (3)(a) may not be construed to prohibit a local district from providing

6694 more than two services if, before April 30, 2007, the local district was authorized to provide
6695 those services.

6696 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to
6697 provide and may not after its creation provide to an area the same service already being
6698 provided to that area by another political subdivision, unless the other political subdivision
6699 gives its written consent.

6700 (b) For purposes of Subsection (4)(a), a local district does not provide the same service
6701 as another political subdivision if it operates a component of a system that is different from a
6702 component operated by another political subdivision but within the same:

- 6703 (i) sewage system; or
- 6704 (ii) [~~irrigation~~] water system[~~;~~~~or~~].
- 6705 [~~(iii) culinary water system.~~]

6706 (5) (a) Except for a local district in the creation of which an election is not required
6707 under Subsection [~~17B-2-214~~] 17B-1-214(3)(c), the area of a local district may include all or
6708 part of the unincorporated area of one or more counties and all or part of one or more
6709 municipalities.

6710 (b) The area of a local district need not be contiguous.

6711 [~~(6) The name of a local district:~~]

6712 [~~(a) may include words descriptive of the type of service provided by the local district;~~
6713 ~~and]~~

6714 [~~(b) may not include the name of a county or municipality.~~]

6715 Section 130. Section **17B-1-203**, which is renumbered from Section 17B-2-203 is
6716 renumbered and amended to read:

6717 [~~17B-2-203~~]. **17B-1-203. Process to initiate the creation of a local district**
6718 **-- Petition or resolution.**

6719 (1) The process to create a local district may be initiated by:

6720 (a) subject to Section [~~17B-2-204~~] 17B-1-204, a petition signed by the owners of
6721 private real property that:

- 6722 (i) is located within the proposed local district;
- 6723 (ii) covers at least 33% of the total private land area within the proposed local district
6724 as a whole and within each applicable area;
- 6725 (iii) is equal in value to at least 25% of the value of all private real property within the
6726 proposed local district as a whole and within each applicable area; and
- 6727 (iv) complies with the requirements of Subsection [~~17B-2-205~~] 17B-1-205(1) and
6728 Section [~~17B-2-208~~] 17B-1-208;
- 6729 (b) subject to Section [~~17B-2-204~~] 17B-1-204, a petition that:
- 6730 (i) is signed by registered voters residing within the proposed local district as a whole
6731 and within each applicable area, equal in number to at least 33% of the number of votes cast in
6732 the proposed local district as a whole and in each applicable area, respectively, for the office of
6733 governor at the last regular general election prior to the filing of the petition; and
- 6734 (ii) complies with the requirements of Subsection [~~17B-2-205~~] 17B-1-205(1) and
6735 Section [~~17B-2-208~~; or] 17B-1-208;
- 6736 (c) a resolution proposing the creation of a local district, adopted by the legislative
6737 body of each county whose unincorporated area includes and each municipality whose
6738 boundaries include any of the proposed local district[-]; or
- 6739 (d) a resolution proposing the creation of a local district, adopted by the board of
6740 trustees of an existing local district whose boundaries completely encompass the proposed
6741 local district, if:
- 6742 (i) the proposed local district is being created to provide one or more components of
6743 the same service that the initiating local district is authorized to provide; and
- 6744 (ii) the initiating local district is not providing to the area of the proposed local district
6745 any of the components that the proposed local district is being created to provide.
- 6746 (2) (a) Each resolution under Subsection (1)(c) or (d) shall:
- 6747 (i) describe the area proposed to be included in the proposed local district;
- 6748 (ii) be accompanied by a map that shows the boundaries of the proposed local district;
- 6749 (iii) describe the service proposed to be provided by the proposed local district;

6750 (iv) explain the anticipated method of paying the costs of providing the proposed
6751 service;

6752 (v) state the estimated average financial impact on a household within the proposed
6753 local district; ~~[and]~~

6754 (vi) state the number of members that the board of trustees of the proposed local
6755 district will have, consistent with the requirements of Subsection [~~17B-2-402(1)~~.]
6756 17B-1-302(2);

6757 (vii) for a proposed basic local district:

6758 (A) state whether the members of the board of trustees will be elected or appointed or
6759 whether some members will be elected and some appointed, as provided in Section
6760 17B-1-1402;

6761 (B) if one or more members will be elected, state the basis upon which each elected
6762 member will be elected; and

6763 (C) if applicable, explain how the election or appointment of board members will
6764 transition from one method to another based on stated milestones or events, as provided in
6765 Section 17B-1-1402;

6766 (viii) for a proposed improvement district whose remaining area members or county
6767 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those
6768 members will be elected; and

6769 (ix) for a proposed service area that is entirely within the unincorporated area of a
6770 single county, state whether the initial board of trustees will be:

6771 (A) the county legislative body;

6772 (B) appointed as provided in Section 17B-1-304; or

6773 (C) elected as provided in Section 17B-1-306.

6774 (b) Each county or municipal legislative body adopting a resolution under Subsection
6775 (1)(c) shall, on or before the first public hearing under Section [~~17B-2-210~~] 17B-1-210, mail or
6776 deliver a copy of the resolution to the responsible body if the county or municipal legislative
6777 body's resolution is one of multiple resolutions adopted by multiple county or municipal

6778 legislative bodies proposing the creation of the same local district.

6779 Section 131. Section **17B-1-204**, which is renumbered from Section 17B-2-204 is
6780 renumbered and amended to read:

6781 ~~[17B-2-204]~~. **17B-1-204**. **Request for service required before filing of**
6782 **petition -- Request requirements.**

6783 (1) A petition may not be filed until after:

6784 (a) a request has been filed with:

6785 (i) the clerk of each county in whose unincorporated area any part of the proposed local
6786 district is located; and

6787 (ii) the clerk or recorder of each municipality in which any part of the proposed local
6788 district is located; and

6789 (b) each county and municipality with which a request under Subsection (1)(a) is filed:

6790 (i) has adopted a resolution under Subsection ~~[17B-2-212]~~ 17B-1-212(1) indicating
6791 whether it will provide the requested service; or

6792 (ii) is considered to have declined to provide the requested service under Subsection
6793 ~~[17B-2-212]~~ 17B-1-212(2) or (3).

6794 (2) Each request under Subsection (1)(a) shall:

6795 (a) ask the county or municipality to provide the service proposed to be provided by the
6796 proposed local district within the applicable area; and

6797 (b) be signed by:

6798 (i) the owners of private real property that:

6799 (A) is located within the proposed local district;

6800 (B) covers at least 10% of the total private land area within the applicable area; and

6801 (C) is equal in value to at least 7% of the value of all private real property within the
6802 applicable area; or

6803 (ii) registered voters residing within the applicable area equal in number to at least 10%
6804 of the number of votes cast in the applicable area for the office of governor at the last general
6805 election prior to the filing of the request.

6806 (3) For purposes of Subsections (1) and (2), an area proposed to be annexed to a
6807 municipality in a petition under Section 10-2-403 filed before and still pending at the time of
6808 filing of a petition shall be considered to be part of that municipality.

6809 Section 132. Section **17B-1-205**, which is renumbered from Section 17B-2-205 is
6810 renumbered and amended to read:

6811 ~~[17B-2-205]~~. **17B-1-205. Petition and request requirements -- Withdrawal**
6812 **of signature.**

6813 (1) Each petition and request shall:

6814 (a) indicate the typed or printed name and current residence address of each property
6815 owner or registered voter signing the petition;

6816 (b) if it is a property owner request or petition, indicate the address of the property as to
6817 which the owner is signing the request or petition;

6818 (c) describe the entire area of the proposed local district;

6819 (d) be accompanied by a map showing the boundaries of the entire proposed local
6820 district;

6821 (e) specify the service proposed to be provided by the proposed local district; ~~and~~

6822 (f) for a proposed basic local district:

6823 (i) state whether the members of the board of trustees will be elected or appointed or
6824 whether some members will be elected and some appointed, as provided in Section
6825 17B-1-1402;

6826 (ii) if one or more members will be elected, state the basis upon which each elected
6827 member will be elected; and

6828 (iii) if applicable, explain how the election or appointment of board members will
6829 transition from one method to another based on stated milestones or events, as provided in
6830 Section 17B-1-1402;

6831 (g) for a proposed improvement district whose remaining area members or county
6832 members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those
6833 members will be elected; and

6834 (h) for a proposed service area that is entirely within the unincorporated area of a single
6835 county, state whether the initial board of trustees will be:
6836 (i) the county legislative body;
6837 (ii) appointed as provided in Section 17B-1-304; or
6838 (iii) elected as provided in Section 17B-1-306; and
6839 [(f)] (i) designate up to five signers of the petition or request as sponsors, one of whom
6840 shall be designated as the contact sponsor, with the mailing address and telephone number of
6841 each.

6842 (2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the
6843 signer's signature at any time before the filing of the request or petition by filing a written
6844 withdrawal or reinstatement with:

- 6845 (a) in the case of a request:
 - 6846 (i) the clerk of the county or the clerk or recorder of the municipality in whose
 - 6847 applicable area the signer's property is located, if the request is a property owner request; or
 - 6848 (ii) the clerk of the county or the clerk or recorder of the municipality in whose
 - 6849 applicable area the signer resides, if the request is a registered voter request; or
- 6850 (b) in the case of a petition, the responsible clerk.

6851 Section 133. Section **17B-1-206**, which is renumbered from Section 17B-2-206 is
6852 renumbered and amended to read:

6853 ~~[17B-2-206].~~ **17B-1-206. Request certification -- Amended request.**

6854 (1) Within 30 days after the filing of a request, the clerk of each county and the clerk or
6855 recorder of each municipality with which a request was filed shall:

- 6856 (a) with the assistance of other county or municipal officers from whom the clerk or
6857 recorder requests assistance, determine, for the clerk or recorder's respective county or
6858 municipality, whether the request complies with the requirements of Subsections [~~17B-2-204~~]
6859 17B-1-204(2) and [~~17B-2-205~~] 17B-1-205(1); and

- 6860 (b) (i) if the clerk or recorder determines that the request complies with the
6861 requirements:

6862 (A) certify the request and deliver it to the legislative body of the county or
6863 municipality, as the case may be; and

6864 (B) mail or deliver written notification of the certification to the contact sponsor; or
6865 (ii) if the clerk or recorder determines that the request fails to comply with any of the
6866 applicable requirements, reject the request and notify the contact sponsor in writing of the
6867 rejection and the reasons for the rejection.

6868 (2) If the clerk or recorder fails to certify or reject a request within 30 days after its
6869 filing, the request shall be considered to be certified.

6870 (3) Each county clerk or municipal clerk or recorder shall certify or reject requests in
6871 the order in which they are filed.

6872 (4) (a) If the county clerk or municipal clerk or recorder rejects a request under
6873 Subsection (1)(b)(ii), the request may be amended to correct the deficiencies for which it was
6874 rejected and then refiled.

6875 (b) A valid signature on a request that was rejected under Subsection (1)(b)(ii) may be
6876 used toward fulfilling the applicable signature requirement of the request as amended under
6877 Subsection (4)(a).

6878 (5) Each county clerk and municipal clerk or recorder shall act in good faith in making
6879 the determinations under this section.

6880 Section 134. Section **17B-1-207**, which is renumbered from Section 17B-2-207 is
6881 renumbered and amended to read:

6882 ~~[17B-2-207]~~. **17B-1-207. Signature on request may be used on petition.**

6883 A signature on a request may be used toward fulfilling the signature requirement of a
6884 petition:

6885 (1) if the request notifies the signer in conspicuous language that the signature, unless
6886 withdrawn, would also be used for purposes of a petition to create a local district; and

6887 (2) unless the signer files a written withdrawal of the signature before the petition is
6888 filed.

6889 Section 135. Section **17B-1-208**, which is renumbered from Section 17B-2-208 is

6890 renumbered and amended to read:

6891 ~~[17B-2-208]~~. **17B-1-208**. **Additional petition requirements and limitations.**

6892 (1) Each petition shall:

6893 (a) be filed with the responsible clerk;

6894 (b) separately group signatures by county and municipality, so that all signatures of the
6895 owners of real property located within or of registered voters residing within each county
6896 whose unincorporated area includes and each municipality whose boundaries include part of
6897 the proposed local district are grouped separately; and

6898 (c) state the number of members that the board of trustees of the proposed local district
6899 will have, consistent with the requirements of Subsection ~~[17B-2-402(1)]~~ 17B-1-302(2).

6900 (2) (a) A petition may not propose the creation of a local district that includes an area
6901 located within the unincorporated part of a county or within a municipality if the legislative
6902 body of that county or municipality has adopted a resolution under Subsection ~~[17B-2-212]~~
6903 17B-1-212(1) indicating that the county or municipality will provide to that area the service
6904 proposed to be provided by the proposed local district.

6905 (b) Subsection (2)(a) does not apply if the county or municipal legislative body is
6906 considered to have declined to provide the requested service under Subsection ~~[17B-2-212]~~
6907 17B-1-212(3).

6908 (c) Subsection (2)(a) may not be construed to prevent the filing of a petition that
6909 proposes the creation of a local district whose area excludes that part of the unincorporated area
6910 of a county or that part of a municipality to which the county or municipality has indicated, in a
6911 resolution adopted under Section ~~[17B-2-212]~~ 17B-1-212, it will provide the requested service.

6912 (3) A petition may not propose the creation of a local district whose area includes:

6913 (a) some or all of an area described in a previously filed petition that, subject to
6914 Subsection ~~[17B-2-202]~~ 17B-1-202(4)(b):

6915 (i) proposes the creation of a local district to provide the same service as proposed by
6916 the later filed petition; and

6917 (ii) is still pending at the time the later petition is filed; or

6918 (b) some or all of an area within a political subdivision that provides in that area the
6919 same service proposed to be provided by the proposed local district.

6920 (4) A petition may not be filed more than 12 months after a county or municipal
6921 legislative body declines to provide the requested service under Subsection [~~17B-2-212~~
6922 17B-1-212(1) or is considered to have declined to provide the requested service under
6923 Subsection [~~17B-2-212~~ 17B-1-212(2) or (3).

6924 Section 136. Section **17B-1-209**, which is renumbered from Section 17B-2-209 is
6925 renumbered and amended to read:

6926 [~~17B-2-209~~]. **17B-1-209. Petition certification -- Amended petition.**

6927 (1) Within five days after the filing of a petition, the responsible clerk shall mail a copy
6928 of the petition to the clerk of each other county and the clerk or recorder of each municipality
6929 in which any part of the proposed local district is located.

6930 (2) (a) Within 35 days after the filing of a petition, the clerk of each county whose
6931 unincorporated area includes and the clerk or recorder of each municipality whose boundaries
6932 include part of the proposed local district shall:

6933 (i) with the assistance of other county or municipal officers from whom the county
6934 clerk or municipal clerk or recorder requests assistance, determine, for the clerk or recorder's
6935 respective county or municipality, whether the petition complies with the requirements of
6936 Subsection [~~17B-2-203~~ 17B-1-203(1)(a) or (b), as the case may be, and Subsections
6937 [~~17B-2-208~~ 17B-1-208(2), (3), and (4); and

6938 (ii) notify the responsible clerk in writing of the clerk or recorder's determination under
6939 Subsection (2)(a)(i).

6940 (b) The responsible clerk may rely on the determinations of other county clerks or
6941 municipal clerks or recorders under Subsection (2)(a) in making the responsible clerk's
6942 determinations and certification or rejection under Subsection (3).

6943 (3) (a) Within 45 days after the filing of a petition, the responsible clerk shall:

6944 [~~(a)~~] (i) determine whether the petition complies with Subsection [~~17B-2-203~~
6945 17B-1-203(1)(a) or (b), as the case may be, Subsection [~~17B-2-205~~ 17B-1-205(1), and Section

6946 [~~17B-2-208~~] 17B-1-208; and

6947 [~~(b)~~-(i)] (ii) (A) if the responsible clerk determines that the petition complies with the
 6948 applicable requirements:

6949 [~~(A)~~] (I) (Aa) certify the petition and deliver the certified petition to the responsible
 6950 body; and

6951 [~~(B)~~] (Bb) mail or deliver written notification of the certification to the contact
 6952 sponsor; or

6953 (II) for each petition described in Subsection (3)(b)(i), deliver a copy of the petition to
 6954 the legislative body of each county whose unincorporated area includes and each municipality
 6955 whose boundaries include any of the proposed basic local district, with a notice indicating that
 6956 the clerk has determined that the petition complies with applicable requirements; or

6957 [~~(i)~~] (B) if the responsible clerk determines that the petition fails to comply with any
 6958 of the applicable requirements, reject the petition and notify the contact sponsor in writing of
 6959 the rejection and the reasons for the rejection.

6960 (b) (i) A petition for which an election is not required under Subsection 17B-1-214(3)
 6961 and that proposes the creation of a basic local district that has within its boundaries fewer than
 6962 one residential dwelling unit per ten acres of land may not be certified without the approval, by
 6963 resolution, of the legislative body of each county whose unincorporated area includes and each
 6964 municipality whose boundaries include any of the proposed local district.

6965 (ii) Before adopting a resolution giving its approval under Subsection (3)(b)(i), a
 6966 county or municipal legislative body may hold one or more public hearings on the petition.

6967 (iii) If a petition described in Subsection (3)(b)(i) is approved as provided in that
 6968 subsection, the responsible clerk shall, within ten days after its approval:

6969 (A) certify the petition and deliver the certified petition to the responsible body; and

6970 (B) mail or deliver written notification of the certification to the contact sponsor.

6971 (4) [~~H~~] Except for a petition described in Subsection (3)(b)(i), if the responsible clerk
 6972 fails to certify or reject a petition within 45 days after its filing, the petition shall be considered
 6973 to be certified.

6974 (5) The responsible clerk shall certify or reject petitions in the order in which they are
6975 filed.

6976 (6) (a) If the responsible clerk rejects a petition under Subsection (3)~~[(b)(ii)]~~ (a)(ii)(B),
6977 the petition may be amended to correct the deficiencies for which it was rejected and then
6978 refiled.

6979 (b) A valid signature on a petition that was rejected under Subsection (3)~~[(b)(ii)]~~
6980 (a)(ii)(B) may be used toward fulfilling the applicable signature requirement of the petition as
6981 amended under Subsection (6)(a).

6982 (c) If a petition is amended and refiled under Subsection (6)(a) after having been
6983 rejected by the responsible clerk under Subsection (3)~~[(b)]~~(a)(ii)(B), the amended petition shall
6984 be considered as newly filed, and its processing priority shall be determined by the date on
6985 which it is refiled.

6986 (7) The responsible clerk and each county clerk and municipal clerk or recorder shall
6987 act in good faith in making the determinations under this section.

6988 Section 137. Section **17B-1-210**, which is renumbered from Section 17B-2-210 is
6989 renumbered and amended to read:

6990 ~~[17B-2-210]~~. **17B-1-210. Public hearing.**

6991 (1) The legislative body of each county and municipality with which a request is filed
6992 or that adopts a resolution under Subsection ~~[17B-2-203]~~ 17B-1-203(1)(c) and the board of
6993 trustees of each local district that adopts a resolution under Subsection 17B-1-203(1)(d) shall
6994 hold a public hearing or a set of public hearings, sufficient in number and location to ensure
6995 that no substantial group of residents of the proposed local district need travel an unreasonable
6996 distance to attend a public hearing.

6997 (2) Each public hearing under Subsection (1) shall be held:

6998 (a) no later than 45 days after:

6999 (i) for a public hearing on a request, certification of a request under Subsection

7000 ~~[17B-2-206]~~ 17B-1-206(1)(b)(i); or

7001 (ii) for a public hearing on a resolution, adoption of a resolution under Subsection

7002 [~~17B-2-203~~] 17B-1-203(1)(c) or (d);

7003 (b) within the proposed local district;

7004 (c) except as provided in Subsections (6) and (7), within the applicable area; and

7005 (d) for the purpose of:

7006 (i) for a public hearing on a request, allowing public input on:

7007 (A) whether the requested service is needed in the area of the proposed local district;

7008 (B) whether the service should be provided by the county or municipality or the

7009 proposed local district; and

7010 (C) all other matters relating to the request or the proposed local district; or

7011 (ii) for a public hearing on a resolution, allowing the public to ask questions of and

7012 obtain further information from the [~~legislative~~] governing body [~~of each county or~~

7013 ~~municipality~~] holding the hearing regarding the issues contained in or raised by the resolution.

7014 (3) A quorum of [~~the legislative~~] each governing body [~~of each county or municipal~~

7015 ~~legislative body~~] holding a public hearing under this section shall be present throughout each

7016 hearing held by that [~~county or municipal legislative~~] governing body.

7017 (4) Each hearing under this section shall be held on a weekday evening other than a

7018 holiday beginning no earlier than [~~6:00~~] 6 p.m.

7019 (5) At the beginning and end of each hearing concerning a resolution, the [~~legislative~~]

7020 governing body shall announce the deadline for filing protests and generally explain the protest

7021 procedure and requirements.

7022 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or

7023 set of hearings required under this section if all the requirements of this section, other than the

7024 requirements of Subsection (2)(c), are met as to each hearing.

7025 (7) Notwithstanding Subsection (2)(c), a [~~county or municipal legislative~~] governing

7026 body may hold a public hearing or set of public hearings outside the applicable area if:

7027 (a) there is no reasonable place to hold a public hearing within the applicable area; and

7028 (b) the public hearing or set of public hearings is held as close to the applicable area as

7029 reasonably possible.

7030 Section 138. Section **17B-1-211**, which is renumbered from Section 17B-2-211 is
7031 renumbered and amended to read:

7032 ~~[17B-2-211]~~. **17B-1-211. Notice of public hearings -- Publication of**
7033 **resolution.**

7034 (1) Before holding a public hearing or set of public hearings under Section
7035 ~~[17B-2-210]~~ 17B-1-210, the legislative body of each county or municipality with which a
7036 request is filed or that adopts a resolution under Subsection ~~[17B-2-203]~~ 17B-1-203(1)(c) and
7037 the board of trustees of each local district that adopts a resolution under Subsection
7038 17B-1-203(1)(d) shall:

7039 (a) (i) except as provided in Subsection (1)(a)(ii), publish notice in a newspaper or
7040 combination of newspapers of general circulation within the applicable area; or

7041 (ii) if there is no newspaper or combination of newspapers of general circulation within
7042 the applicable area, post at least one notice per 1,000 population of that area, at places within
7043 the area that are most likely to provide actual notice to residents of the area; or

7044 (b) mail a notice to each registered voter residing within and each owner of real
7045 property located within the proposed local district.

7046 (2) Each published notice under Subsection (1)(a) shall:

7047 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be
7048 surrounded by a 1/4-inch border;

7049 (b) if possible, appear in a newspaper that is published at least one day per week;

7050 (c) if possible, appear in a newspaper of general interest and readership in the area and
7051 not of limited subject matter;

7052 (d) be placed in a portion of the newspaper other than where legal notices and
7053 classified advertisements appear; and

7054 (e) be run at least once each week for two successive weeks, with the final publication
7055 being no less than three and no more than ten days before the hearing or the first of the set of
7056 hearings.

7057 (3) Each notice required under Subsection (1) shall:

- 7058 (a) if the hearing or set of hearings is concerning a resolution:
7059 (i) contain the entire text or an accurate summary of the resolution; and
7060 (ii) state the deadline for filing a protest against the creation of the proposed local
7061 district;
- 7062 (b) clearly identify each [~~county or municipal legislative~~] governing body involved in
7063 the hearing or set of hearings;
- 7064 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
7065 the hearing or set of hearings; and
- 7066 (d) describe or include a map of the entire proposed local district.
- 7067 (4) County or municipal legislative bodies may jointly provide the notice required
7068 under this section if all the requirements of this section are met as to each notice.

7069 Section 139. Section **17B-1-212**, which is renumbered from Section 17B-2-212 is
7070 renumbered and amended to read:

7071 ~~[17B-2-212]~~. **17B-1-212**. **Resolution indicating whether the requested**
7072 **service will be provided.**

7073 (1) Within 60 days after the last hearing required under Section [~~17B-2-210~~]
7074 17B-1-210 concerning a request, the legislative body of each county whose unincorporated area
7075 includes and the legislative body of each municipality whose boundaries include any part of the
7076 proposed local district shall adopt a resolution indicating whether the county or municipality
7077 will provide to the area of the proposed local district within its boundaries the service proposed
7078 to be provided by the proposed local district.

7079 (2) If the legislative body of a county or municipality fails to adopt a resolution within
7080 the time provided under Subsection (1), the county or municipal legislative body shall be
7081 considered to have declined to provide the service requested.

7082 (3) If the county or municipality adopts a resolution under Subsection (1) indicating
7083 that it will provide the requested service but does not, within 120 days after the adoption of that
7084 resolution, take substantial measures to provide the requested service, the county or municipal
7085 legislative body shall be considered to have declined to provide the requested service.

7086 (4) Each county or municipality that adopts a resolution under Subsection (1)
7087 indicating that it will provide the requested service shall diligently proceed to take all measures
7088 necessary to provide the service.

7089 Section 140. Section **17B-1-213**, which is renumbered from Section 17B-2-213 is
7090 renumbered and amended to read:

7091 ~~[17B-2-213]~~. **17B-1-213. Protest after adoption of resolution -- Adoption**
7092 **of resolution approving creation for certain districts.**

7093 (1) For purposes of this section, "adequate protests" means protests that are:

7094 (a) filed with the county clerk ~~[or]~~, municipal clerk or recorder, or local district
7095 secretary or clerk, as the case may be, within 60 days after the last public hearing required
7096 under Section ~~[17B-2-210]~~ 17B-1-210; and

7097 (b) signed by:

7098 (i) the owners of private real property that:

7099 (A) is located within the proposed local district;

7100 (B) covers at least 25% of the total private land area within the applicable area; and

7101 (C) is equal in value to at least 15% of the value of all private real property within the
7102 applicable area; or

7103 (ii) registered voters residing within the applicable area equal in number to at least 25%
7104 of the number of votes cast in the applicable area for the office of governor at the last general
7105 election prior to the adoption of the resolution.

7106 (2) If adequate protests are filed, the ~~[county or municipal legislative]~~ governing body
7107 that adopted a resolution under Subsection ~~[17B-2-203]~~ 17B-1-203(1)(c) or (d):

7108 (a) may not:

7109 (i) hold or participate in an election under Subsection ~~[17B-2-214]~~ 17B-1-214(1) with
7110 respect to the applicable area;

7111 (ii) take any further action under the protested resolution to create a local district or
7112 include the applicable area in a local district; or

7113 (iii) for a period of two years, adopt a resolution under Subsection ~~[17B-2-203]~~

7114 17B-1-203(1)(c) or (d) proposing the creation of a local district including substantially the
7115 same area as the applicable area and providing the same service as the proposed local district in
7116 the protested resolution; and

7117 (b) shall, within five days [~~of~~] after receiving adequate protests, mail or deliver written
7118 notification of the adequate protests to the responsible body.

7119 (3) Subsection (2)(a) may not be construed to prevent an election from being held for a
7120 proposed local district whose boundaries do not include an applicable area that is the subject of
7121 adequate protests.

7122 (4) (a) If adequate protests are not filed with respect to a resolution proposing the
7123 creation of a local district for which an election is not required under Subsection [~~17B-2-214~~]
7124 17B-1-214(3)(c) or (d), a resolution approving the creation of the local district may be adopted
7125 by:

7126 (i) (A) the legislative body of a county whose unincorporated area is included within
7127 the proposed local district; and

7128 [~~(ii)~~] (B) the legislative body of a municipality whose area is included within the
7129 proposed local district[-]; or

7130 (ii) the board of trustees of the initiating local district.

7131 (b) Each resolution adopted under Subsection (4)(a) shall:

7132 (i) describe the area included in the local district;

7133 (ii) be accompanied by a map that shows the boundaries of the local district;

7134 (iii) describe the service to be provided by the local district;

7135 (iv) state the name of the local district; and

7136 (v) provide a process for the appointment of the members of the initial board of
7137 trustees.

7138 Section 141. Section **17B-1-214**, which is renumbered from Section 17B-2-214 is
7139 renumbered and amended to read:

7140 [~~17B-2-214~~]. **17B-1-214. Election -- Exceptions.**

7141 (1) (a) Except as provided in Subsection (3) and in Subsection [~~17B-2-213~~]

7142 17B-1-213(2)(a), an election on the question of whether the local district should be created
7143 shall be held by:

7144 (i) if the proposed local district is located entirely within a single county, the
7145 responsible clerk; or

7146 (ii) except as provided under Subsection (1)(b), if the proposed local district is located
7147 within more than one county, the clerk of each county in which part of the proposed local
7148 district is located, in cooperation with the responsible clerk.

7149 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed local district is located
7150 within more than one county and the only area of a county that is included within the proposed
7151 local district is located within a single municipality, the election for that area shall be held by
7152 the municipal clerk or recorder, in cooperation with the responsible clerk.

7153 (2) Each election under Subsection (1) shall be held at the next special or regular
7154 general election date that is:

7155 (a) for an election pursuant to a property owner or registered voter petition, more than
7156 45 days after certification of the petition under Subsection [~~17B-2-209~~] 17B-1-209(3)(b)(i); or

7157 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing
7158 required under Section [~~17B-2-210~~] 17B-1-210.

7159 (3) The election requirement of Subsection (1) does not apply to:

7160 (a) [~~to~~] a petition filed under Subsection [~~17B-2-203~~] 17B-1-203(1)(a) if it contains the
7161 signatures of the owners of private real property that:

7162 (i) is located within the proposed local district;

7163 (ii) covers at least 67% of the total private land area within the proposed local district
7164 as a whole and within each applicable area; and

7165 (iii) is equal in value to at least 50% of the value of all private real property within the
7166 proposed local district as a whole and within each applicable area;

7167 (b) [~~to~~] a petition filed under Subsection [~~17B-2-203~~] 17B-1-203(1)(b) if it contains the
7168 signatures of registered voters residing within the proposed local district as a whole and within
7169 each applicable area, equal in number to at least 67% of the number of votes cast in the

7170 proposed local district as a whole and in each applicable area, respectively, for the office of
 7171 governor at the last general election prior to the filing of the petition; [or]

7172 (c) [to] a resolution adopted under Subsection [~~17B-2-203~~] 17B-1-203(1)(c) on or after
 7173 May 5, 2003 that proposes the creation of a local district to provide fire protection, paramedic,
 7174 and emergency services, if the proposed local district includes a majority of the unincorporated
 7175 area of one or more counties[-]; or

7176 (d) a resolution adopted under Subsection 17B-1-203(1)(c) or (d) if the resolution
 7177 proposes the creation of a local district that has no registered voters within its boundaries.

7178 (4) (a) If the proposed local district is located in more than one county, the responsible
 7179 clerk shall coordinate with the clerk of each other county and the clerk or recorder of each
 7180 municipality involved in an election under Subsection (1) so that the election is held on the
 7181 same date and in a consistent manner in each jurisdiction.

7182 (b) The clerk of each county and the clerk or recorder of each municipality involved in
 7183 an election under Subsection (1) shall cooperate with the responsible clerk in holding the
 7184 election.

7185 (c) Except as otherwise provided in this part, each election under Subsection (1) shall
 7186 be governed by Title 20A, Election Code.

7187 Section 142. Section **17B-1-215**, which is renumbered from Section 17B-2-215 is
 7188 renumbered and amended to read:

7189 [~~17B-2-215~~]. **17B-1-215. Notice to lieutenant governor -- Certificate of**
 7190 **incorporation -- Local district incorporated.**

7191 (1) The responsible body shall file a notice with the lieutenant governor within ten days
 7192 after:

7193 (a) the canvass of an election under Section [~~17B-2-214~~] 17B-1-214, if a majority of
 7194 those voting at the election within the proposed local district as a whole vote in favor of the
 7195 creation of a local district;

7196 (b) certification of a petition as to which the election requirement of Subsection
 7197 [~~17B-2-214~~] 17B-1-214(1) does not apply because of Subsection [~~17B-2-214~~] 17B-1-214(3)(a)

7198 or (b); or

7199 (c) adoption of a resolution under Subsection [~~17B-2-213~~] 17B-1-213(4) approving the
7200 creation of a local district for which an election was not required under Subsection [~~17B-2-214~~]
7201 17B-1-214(3)(c) or (d), by the legislative body of each county whose unincorporated area is
7202 included within and the legislative body of each municipality whose area is included within the
7203 proposed local district, or by the board of trustees of the initiating local district.

7204 (2) The area of each local district shall consist of:

7205 (a) if an election was held under Section [~~17B-2-214~~] 17B-1-214, the area of the new
7206 local district as approved at the election;

7207 (b) if an election was not required because of Subsection [~~17B-2-214~~] 17B-1-214(3)(a)
7208 or (b), the area of the proposed local district as described in the petition; or

7209 (c) if an election was not required because of Subsection [~~17B-2-214~~] 17B-1-214(3)(c)
7210 or (d), the area of the new local district as described in the resolution adopted under Subsection
7211 [~~17B-2-213~~] 17B-1-213(4).

7212 (3) In each notice under Subsection (1) the responsible body shall:

7213 (a) if the notice follows an election under Section [~~17B-2-214~~] 17B-1-214, certify the
7214 results of the election;

7215 (b) describe the boundaries of the new local district with an accurate map or plat
7216 showing the boundaries delineated in Subsection (2), prepared and certified by a licensed
7217 surveyor and filed with the county surveyor in accordance with Section 17-23-17; and

7218 (c) certify that all requirements for the creation of a local district have been complied
7219 with.

7220 [~~(4) Within ten days after receiving the notice under Subsection (1), the lieutenant~~
7221 ~~governor shall issue a certificate of incorporation for the new local district and send a copy of~~
7222 ~~the certificate to the responsible body.]~~

7223 [(5)] (4) Upon the lieutenant governor's issuance of the certificate of creation under
7224 Section 67-1a-6.5, the local district is created and incorporated.

7225 [(6) A local district shall be conclusively presumed to be lawfully incorporated if no

7226 challenge to the existence or incorporation of the local district is filed in district court within 90
7227 days after the lieutenant governor issues a certificate of creation.]

7228 Section 143. Section **17B-1-216**, which is renumbered from Section 17B-2-216 is
7229 renumbered and amended to read:

7230 ~~[17B-2-216].~~ **17B-1-216. Costs and expenses of creating a local district.**

7231 (1) Except as provided in Subsection (2), each county whose unincorporated area
7232 includes and each municipality whose boundaries include some or all of the proposed local
7233 district shall bear their respective costs and expenses associated with the procedure under this
7234 part for creating a local district.

7235 (2) Within a year after its creation, each local district shall reimburse the costs and
7236 expenses associated with the preparation, certification, and filing of the map of the local district
7237 under Subsection ~~[17B-2-215]~~ 17B-1-215(3)(b).

7238 Section 144. Section **17B-1-217**, which is renumbered from Section 17A-2-103 is
7239 renumbered and amended to read:

7240 ~~[17A-2-103].~~ **17B-1-217. Conclusive presumption regarding creation and**
7241 **existence.**

7242 Notwithstanding any other provision of law, ~~[an independent special]~~ a local district
7243 ~~[under this chapter]~~ shall be conclusively presumed to have been lawfully created and existing
7244 if ~~[(1)]~~ for two years following the district's creation under Subsection 17B-1-215(4):

7245 ~~[(a)]~~ (1) the district has:

7246 ~~[(i)]~~ (a) levied and collected a tax; or

7247 ~~[(ii)]~~ (b) collected a fee, charge, or assessment~~[, or tax increment]~~ for a commodity,
7248 service, facility, or improvement provided by the district; and

7249 ~~[(b)]~~ (2) no challenge has been filed in court to the existence or creation of the district~~;~~
7250 ~~and~~].

7251 ~~[(2) the district has complied with Subsections 17A-1-102(1) and 17A-1-504 (1):]~~

7252 Section 145. Section **17B-1-301**, which is renumbered from Section 17B-2-401 is
7253 renumbered and amended to read:

Part 3. Board of Trustees

~~17B-2-401~~. 17B-1-301. Board of trustees duties and powers.

(1) (a) Each local district shall be governed by a board of trustees which shall manage and conduct the business and affairs of the district and shall determine all questions of district policy.

(b) All powers of a local district are exercised through the board of trustees.

(2) The board of trustees may:

(a) fix the location of the local district's principal place of business and the location of all offices and departments, if any;

~~(b)~~ (b) fix the times of meetings of the board of trustees;

~~(b)~~ (c) select and use an official district seal;

~~(c)~~ (d) employ employees and agents, or delegate to district officers power to employ employees and agents, for the operation of the local district and its properties and prescribe or delegate to district officers the power to prescribe the duties, compensation, and terms and conditions of employment of those employees and agents;

~~(d)~~ (e) require district officers and employees charged with the handling of district funds to provide surety bonds in an amount set by the board or provide a blanket surety bond to cover ~~all those~~ officers and employees;

~~(e)~~ (f) contract for or employ professionals to perform work or services for the local district that cannot satisfactorily be performed by the officers or employees of the district;

~~(f)~~ (g) through counsel, prosecute on behalf of or defend the local district in all court actions or other proceedings in which the district is a party or is otherwise involved;

~~(g)~~ (h) adopt bylaws for the orderly functioning of the board;

~~(h)~~ (i) adopt and enforce rules and regulations for the orderly operation of the local district ~~and~~ or for carrying out the district's purposes ~~for which the district was created~~;

~~(i)~~ (j) prescribe a system of civil service for district employees;

~~(j)~~ (k) on behalf of the local district, enter into contracts that the board considers to be for the benefit of the district;

7282 ~~[(k)]~~ (l) acquire, construct or cause to be constructed, operate, occupy, control, and use
7283 buildings, works, or other facilities for carrying out the purposes of the local district;

7284 ~~[(t)]~~ (m) on behalf of the local district, acquire, use, hold, manage, occupy, and possess
7285 property necessary to carry out the purposes of the district, dispose of property when the board
7286 considers it appropriate, and institute and maintain in the name of the district any action or
7287 proceeding to enforce, maintain, protect, or preserve rights or privileges associated with district
7288 property; ~~[and]~~

7289 (n) delegate to a district officer the exercise of a district duty; and

7290 ~~[(m)]~~ (o) exercise all powers and perform all functions in the operation of the local
7291 district and its properties as are ordinarily exercised by the governing body of a political
7292 subdivision of the state and as are necessary to accomplish the purposes of the district.

7293 Section 146. Section **17B-1-302**, which is renumbered from Section 17B-2-402 is
7294 renumbered and amended to read:

7295 ~~[17B-2-402].~~ **17B-1-302. Board member qualifications -- Number of board**
7296 **members.**

7297 (1) (a) Each member of a local district board of trustees shall be:

7298 (i) a registered voter; and

7299 (ii) except as provided in Subsections (1)(b) and (c), a resident within:

7300 (A) the boundaries of the local district; and

7301 (B) if applicable, the boundaries of the division of the local district from which the
7302 member is elected.

7303 (b) (i) As used in this Subsection (1)(b):

7304 (A) "Proportional number" means the number of members of a board of trustees that
7305 bears, as close as mathematically possible, the same proportion to all members of the board that
7306 the number of seasonally occupied homes bears to all residences within the district that receive
7307 service from the district.

7308 (B) "Seasonally occupied home" means a single-family residence:

7309 (I) that is located within the local district;

7310 (II) that receives service from the local district; and
7311 (III) whose owner:
7312 (Aa) does not reside permanently at the residence; and
7313 (Bb) may occupy the residence on a temporary or seasonal basis.
7314 (ii) If over 50% of the residences within a local district that receive service from the
7315 local district are seasonally occupied homes, the requirement under Subsection (1)(a)(ii) is
7316 replaced, for a proportional number of members of the board of trustees, with the requirement
7317 that the member be an owner of land that:
7318 (A) receives service from the district; and
7319 (B) is located within:
7320 (I) the local district; and
7321 (II) if applicable, the division from which the member is elected.
7322 (c) For a board of trustees member in a basic local district that has within its
7323 boundaries fewer than one residential dwelling unit per ten acres of land, the requirement under
7324 Subsection (1)(a)(ii) is replaced with the requirement that the member be an owner of land
7325 within the local district that receives service from the district, or an agent or officer of the
7326 owner.
7327 ~~[(1) The]~~ (2) Except as otherwise provided by statute, the number of members of each
7328 board of trustees of a local district shall be an odd number that is no less than three and no
7329 more than nine.
7330 ~~[(2)]~~ (3) For a newly created local district, the number of members of the initial board
7331 of trustees shall be the number specified:
7332 (a) for a local district whose creation was initiated by a petition under Subsection
7333 ~~[17B-2-203]~~ 17B-1-203(1)(a) or (b), in the petition; or
7334 (b) for a local district whose creation was initiated by a resolution under Subsection
7335 ~~[17B-2-203]~~ 17B-1-203(1)(c) or (d), in the resolution.
7336 ~~[(3)]~~ (4) (a) For an existing local district, the number of members of the board of
7337 trustees may be changed by a two-thirds vote of the board of trustees.

7338 (b) No change in the number of members of a board of trustees under Subsection [~~(3)~~]

7339 (4)(a) may:

7340 (i) violate Subsection [~~(1)~~] (2); or

7341 (ii) serve to shorten the term of any member of the board.

7342 Section 147. Section **17B-1-303**, which is renumbered from Section 17B-2-403 is

7343 renumbered and amended to read:

7344 ~~[17B-2-403]~~. **17B-1-303. Term of board of trustees members -- Oath of**
7345 **office -- Bond.**

7346 (1) [~~The~~] (a) Except as provided in Subsection (1)(b), the term of each member of a
7347 board of trustees shall begin at noon on the first Monday of January following the member's
7348 election or appointment.

7349 (b) The term of each member of the initial board of trustees of a newly created local
7350 district shall begin:

7351 (i) upon appointment, for an appointed member; and

7352 (ii) upon the member taking the oath of office after the canvass of the election at which
7353 the member is elected, for an elected member.

7354 (2) (a) [~~The~~] (i) Subject to Subsection (2)(a)(ii), the term of each member of a board of
7355 trustees shall be four years, except that approximately half the members of the initial board of
7356 trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the
7357 board members expires every two years.

7358 (ii) (A) If the terms of members of the initial board of trustees of a newly created local
7359 district do not begin on the first Monday of January because of application of Subsection
7360 (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection
7361 (2)(a)(ii)(B), to result in the terms of their successors complying with:

7362 (I) the requirement under Subsection (1)(a) for a term to begin on the first Monday of
7363 January; and

7364 (II) the requirement under Subsection (2)(a)(i) that terms be four years.

7365 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or

7366 subtract more than a year from a member's term.

7367 (b) Each board of trustees member shall serve until a successor is duly elected or
7368 appointed and qualified, unless the member earlier is removed from office or resigns or
7369 otherwise leaves office.

7370 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
7371 17B-1-302(1):

7372 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

7373 (ii) the member may continue to serve until a successor is duly elected or appointed
7374 and qualified.

7375 (3) (a) Before entering upon the duties of office, each member of a board of trustees
7376 shall take the oath of office specified in Utah Constitution Article IV, Section 10.

7377 (b) The failure of a board of trustees member to take the oath required by Subsection
7378 (3)(a) does not invalidate any official act of that member.

7379 (4) A board of trustees member is not limited in the number of terms the member may
7380 serve.

7381 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees
7382 position shall be filled as provided in Section 20A-1-512.

7383 (6) (a) For purposes of this Subsection (6):

7384 (i) "Appointed official" means a person who:

7385 (A) is appointed as a member of a local district board of trustees by a county or
7386 municipality entitled to appoint a member to the board; and

7387 (B) holds an elected position with the appointing county or municipality.

7388 (ii) "Appointing [authority] entity" means the county or municipality that appointed the
7389 appointed official to the board of trustees.

7390 (b) The board of trustees shall declare a midterm vacancy for the board position held
7391 by an appointed official if:

7392 (i) during the appointed official's term on the board of trustees, the appointed official
7393 ceases to hold the elected position with the appointing [authority] entity; and

7394 (ii) the appointing [authority] entity submits a written request to the board to declare
7395 the vacancy.

7396 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
7397 appointing [authority] entity shall appoint another person to fill the remaining unexpired term
7398 on the board of trustees.

7399 (7) (a) Each member of a board of trustees shall give a bond for the faithful
7400 performance of the member's duties, in the amount and with the sureties prescribed by the
7401 board of trustees.

7402 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).
7403 Section 148. Section **17B-1-304**, which is renumbered from Section 17A-1-303 is
7404 renumbered and amended to read:

7405 ~~[17A-1-303]~~. **17B-1-304**. **Appointment procedures for appointed**
7406 **members.**

7407 (1) The appointing authority may, by resolution, appoint persons to serve as members
7408 of a [~~special~~] local district board by following the procedures established by this section.

7409 (2) (a) In any calendar year when appointment of a new [~~special~~] local district board
7410 member is required, the appointing authority shall prepare a notice of vacancy that contains:

7411 (i) the positions that are vacant that must be filled by appointment;

7412 (ii) the qualifications required to be appointed to those positions;

7413 (iii) the procedures for appointment that the governing body will follow in making
7414 those appointments; and

7415 (iv) the person to be contacted and any deadlines that a person must meet who wishes
7416 to be considered for appointment to those positions.

7417 (b) The appointing authority shall:

7418 (i) post the notice of vacancy in four public places within the [~~special~~] local district at
7419 least one month before the deadline for accepting nominees for appointment; and

7420 (ii) publish the notice of vacancy:

7421 (A) in a daily newspaper of general circulation within the [~~special~~] local district for

7422 five consecutive days before the deadline for accepting nominees for appointment; or

7423 (B) in a local weekly newspaper circulated within the [~~special~~] local district in the
7424 week before the deadline for accepting nominees for appointment.

7425 (c) The appointing authority may bill the [~~special~~] local district for the cost of
7426 preparing, printing, and publishing the notice.

7427 (3) (a) Not sooner than two months after the appointing authority is notified of the
7428 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants
7429 who meet the qualifications established by law.

7430 (b) The appointing authority shall:

7431 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
7432 appointment;

7433 (ii) allow any interested persons to be heard; and

7434 (iii) adopt a resolution appointing a person to the [~~special~~] local district board.

7435 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
7436 appointing authority, the appointing authority shall select the appointee from the two top
7437 candidates by lot.

7438 (4) Persons appointed to serve as members of the [~~special~~] local district board serve
7439 four-year terms, but may be removed [~~with~~] for cause at any time after a hearing by 2/3 vote of
7440 the appointing body.

7441 (5) At the end of each board member's term, the position is considered vacant and the
7442 [~~governing body~~] appointing authority may either reappoint the old board member or appoint a
7443 new member after following the appointment procedures established in this section.

7444 (6) Notwithstanding any other provision of this section, if the appointing authority
7445 appoints one of its own members, it need not comply with the provisions of this section.

7446 Section 149. Section **17B-1-305**, which is renumbered from Section 17A-1-304 is
7447 renumbered and amended to read:

7448 ~~[17A-1-304]~~. **17B-1-305. Notice of offices to be filled.**

7449 On or before February 1 of each municipal election year, the board of each [~~special~~]

7450 local district shall prepare and transmit to the clerk of each county in which any part of the
7451 district is located a written notice that:

- 7452 (1) designates the offices to be filled at that year's municipal general election; and
- 7453 (2) identifies the dates for filing a declaration of candidacy for those offices.

7454 Section 150. Section **17B-1-306**, which is renumbered from Section 17A-1-305 is
7455 renumbered and amended to read:

7456 ~~[17A-1-305].~~ **17B-1-306. Local district board -- Election procedures.**

7457 (1) Except as provided in Subsection (11), each elected board member shall be selected
7458 as provided in this section.

7459 (2) (a) Each election of a ~~[special]~~ local district board member shall be held:

- 7460 (i) in conjunction with the municipal general election; and
- 7461 (ii) at polling places designated by the clerk of each county in which the ~~[special]~~ local
7462 district is located.

7463 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under
7464 Subsection (2)(a)(ii) in an election of board members of an irrigation district [~~established under~~
7465 ~~Chapter 2, Part 7, Irrigation Districts,~~] shall be one polling place per division of the district,
7466 designated by the district board.

7467 (ii) Each polling place designated by an irrigation district board under Subsection
7468 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection
7469 (2)(a)(ii).

7470 (3) (a) The clerk of each ~~[special]~~ local district with a board member position to be
7471 filled at the next municipal general election shall provide notice of:

7472 (i) each elective position of the ~~[special]~~ local district to be filled at the next municipal
7473 general election;

7474 (ii) the constitutional and statutory qualifications for each position; and

7475 (iii) the dates and times for filing a declaration of candidacy.

7476 (b) The notice required under Subsection (3)(a) shall be:

7477 (i) posted in at least five public places within the ~~[special]~~ local district at least ten days

7478 before the first day for filing a declaration of candidacy; or

7479 (ii) published in a newspaper of general circulation within the [~~special~~] local district at
7480 least three but no more than ten days before the first day for filing a declaration of candidacy.

7481 (4) (a) To become a candidate for an elective [~~special~~] local district board position, the
7482 prospective candidate shall file a declaration of candidacy in person with the [~~special~~] local
7483 district, during office hours and not later than 5 p.m. between July 15 and August 15 of any
7484 odd-numbered year.

7485 (b) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5
7486 p.m. on the following Monday.

7487 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
7488 officer shall:

7489 (A) read to the prospective candidate the constitutional and statutory qualification
7490 requirements for the office that the candidate is seeking; and

7491 (B) require the candidate to state whether or not the candidate meets those
7492 requirements.

7493 (ii) If the prospective candidate does not meet the qualification requirements for the
7494 office, the filing officer may not accept the declaration of candidacy.

7495 (iii) If it appears that the prospective candidate meets the requirements of candidacy,
7496 the filing officer shall accept the declaration of candidacy.

7497 (d) [~~(i) Except as provided in Subsection (4)(d)(ii), the~~] The declaration of candidacy
7498 shall substantially comply with the following form:

7499 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
7500 _____, City of, County of, State of Utah, (Zip Code) _____, (Telephone Number, if
7501 any) _____; that I [~~am a registered voter and qualified elector of the special~~] meet the
7502 qualifications for the office of board of trustees member for _____ (state
7503 the name of the local district); that I am a candidate for [~~the~~] that office [~~of~~
7504 _____(stating the term)] to be voted upon at the November municipal general election
7505 to be held on Tuesday, the _____ day of November, _____, and I hereby request that my name

7506 be printed upon the official ballot for that election.

7507 (Signed) _____

7508 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
7509 of _____, ____.

7510 (Signed) _____

7511 (Clerk or Notary Public)"

7512 ~~[(ii) In a declaration of candidacy under Subsection (4)(d)(i) for an election of a board~~
7513 ~~member of an irrigation district under Chapter 2, Part 7, Irrigation Districts, the words~~
7514 ~~"registered voter and" shall not be included.]~~

7515 (e) Each person wishing to become a valid write-in candidate for an elective [~~special~~]
7516 local district board position is governed by Section 20A-9-601.

7517 (f) If at least one person does not file a declaration of candidacy as required by this
7518 section, a person shall be appointed to fill that board position by following the procedures and
7519 requirements for appointment established in Section 20A-1-512.

7520 (g) If only one candidate files a declaration of candidacy for a position on the board of
7521 an irrigation district [~~established under Chapter 2, Part 7, Irrigation Districts~~], the board need
7522 not hold an election for that position and may appoint that candidate to the board.

7523 (5) There shall be no primary election.

7524 (6) (a) Except as provided in Subsection (6)(c), the [~~special~~] local district clerk shall
7525 certify the candidate names to the clerk of each county in which the [~~special~~] local district is
7526 located no later than August 20 of the municipal election year.

7527 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the
7528 [~~special~~] local district is located shall coordinate the placement of the name of each candidate
7529 for [~~special~~] local district office in the nonpartisan section of the municipal general election
7530 ballot with the municipal election clerk.

7531 (ii) If consolidation of the [~~special~~] local district election ballot with the municipal
7532 general election ballot is not feasible, the county clerk shall provide for a separate [~~special~~]
7533 local district election ballot to be administered by separate election judges at polling locations

7534 designated by the county clerk in consultation with the ~~[special]~~ local district.

7535 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board
7536 of an irrigation district established under Chapter ~~[2] 2a~~, Part ~~[7] 5~~, Irrigation ~~[Districts]~~
7537 District Act.

7538 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
7539 prescribe the form of the ballot for each board member election.

7540 (B) Each ballot for an election of an irrigation district board member shall be in a
7541 nonpartisan format.

7542 ~~[(7) (a) (i) Except as provided in Subsection (7)(a)(ii), only qualified electors of the~~
7543 ~~special district who are registered to vote and who are entitled to vote may vote.]~~

7544 ~~[(ii)]~~ (7) (a) Each voter at an election for a board of trustees member of ~~[an irrigation]~~ a
7545 local district ~~[established under Chapter 2, Part 7, Irrigation Districts,]~~ shall:

7546 (i) be a registered voter, except for an election of:

7547 (A) an irrigation district board of trustees member; or

7548 (B) a basic local district board of trustees member who is elected by property owners;

7549 and

7550 (ii) meet the requirements to vote established by the district.

7551 (b) Each voter may vote for as many candidates as there are offices to be filled.

7552 (c) The candidates who receive the highest number of votes are elected.

7553 (8) Except as otherwise provided by this section, the election of ~~[special]~~ local district
7554 board members is governed by Title 20A, Election Code.

7555 (9) (a) A person elected to serve on a ~~[special]~~ local district board shall serve a
7556 four-year term, beginning on the January 1 after the person's election.

7557 (b) A person elected shall be sworn in as soon as practical after January 1.

7558 (10) (a) Except as provided in Subsection (10)(b), each ~~[special]~~ local district shall
7559 reimburse the county holding an election under this section for the costs of the election
7560 attributable to that ~~[special]~~ local district.

7561 (b) Each irrigation district ~~[established under Chapter 2, Part 7, Irrigation Districts,]~~

7562 shall bear its own costs of each election it holds under this section.

7563 (11) This section does not apply to [~~a county~~] an improvement district [~~under Chapter~~
7564 ~~2, Part 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric and~~
7565 ~~Gas,~~] that provides electric or gas service.

7566 Section 151. Section **17B-1-307**, which is renumbered from Section 17B-2-404 is
7567 renumbered and amended to read:

7568 ~~[17B-2-404].~~ **17B-1-307. Annual compensation -- Per diem compensation**
7569 **-- Participation in group insurance plan -- Reimbursement of expenses.**

7570 (1) (a) [~~A~~] Except as provided in Subsection 17B-1-308(1)(e), a member of a board of
7571 trustees may receive compensation for service on the board, as determined by the board of
7572 trustees.

7573 (b) The amount of compensation under this Subsection (1) may not exceed [~~\$3,500~~]
7574 \$5,000 per year.

7575 (c) (i) As determined by the board of trustees, a member of the board of trustees may
7576 participate in a group insurance plan provided to employees of the local district on the same
7577 basis as employees of the local district.

7578 (ii) The amount that the local district pays to provide a member with coverage under a
7579 group insurance plan shall be included as part of the member's compensation for purposes of
7580 Subsection (1)(b).

7581 (2) (a) As determined by the board of trustees, a member of a board of trustees may
7582 receive per diem compensation, in addition to the compensation provided in Subsection (1), for
7583 attendance at up to 12 meetings or activities per year related to any district business.

7584 (b) The amount of per diem compensation under Subsection (2)(a) shall be as
7585 established by the Division of Finance for policy boards, advisory boards, councils, or
7586 committees within state government.

7587 (3) In addition to any compensation a member receives under this section, each
7588 member of a board of trustees shall be reimbursed by the local district for all actual and
7589 necessary expenses incurred in attending board meetings and in performing the member's

7590 official duties.

7591 Section 152. Section **17B-1-308** is enacted to read:

7592 **17B-1-308. Boards of trustees comprised of county or municipal legislative body**
7593 **members.**

7594 (1) If a county or municipal legislative body by statute also serves as the board of
7595 trustees of a local district:

7596 (a) the board of trustees shall hold district meetings and keep district minutes,
7597 accounts, and other records separate from those of the county or municipality;

7598 (b) subject to Subsection (2), the board of trustees may use, respectively, existing
7599 county or municipal facilities and personnel for district purposes;

7600 (c) notwithstanding Subsections 17B-1-303(1) and (2), the term of office of each board
7601 of trustees member coincides with the member's term as a county or municipal legislative body
7602 member;

7603 (d) each board of trustees member represents the district at large; and

7604 (e) board members may not receive compensation for their service as board members
7605 in addition to compensation they receive as members of a county or municipal legislative body.

7606 (2) The county or municipal legislative body, as the case may be, shall charge the local
7607 district, and the local district shall pay to the county or municipality, a reasonable amount for:

7608 (a) the county or municipal facilities that the district uses; and

7609 (b) except for services rendered by the county or municipal legislative body members,
7610 the services that the county or municipality renders to the local district.

7611 Section 153. Section **17B-1-309**, which is renumbered from Section 17B-2-405 is
7612 renumbered and amended to read:

7613 ~~[17B-2-405].~~ **17B-1-309. Board officers -- Term.**

7614 (1) (a) The board of trustees shall elect from their number a chair and may elect other
7615 officers as the board considers appropriate.

7616 (b) The offices of treasurer and clerk may not be held by the same person.

7617 (2) Each officer serves at the pleasure of the board of trustees, but the board may

7618 designate a set term for officers.

7619 Section 154. Section **17B-1-310**, which is renumbered from Section 17B-2-406 is
7620 renumbered and amended to read:

7621 ~~[17B-2-406].~~ **17B-1-310. Quorum of board of trustees -- Meetings of the**
7622 **board.**

7623 (1) (a) (i) Except as provided in Subsection (1)(b), a majority of the board of trustees
7624 constitutes a quorum for the transaction of board business, and action by a majority of a
7625 quorum constitutes action of the board.

7626 (ii) Except as otherwise required by law, an otherwise valid action of the board is not
7627 made invalid because of the method chosen by the board to take or memorialize the action.

7628 (b) (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that
7629 require more than a majority to constitute a quorum or that require action by more than a
7630 majority of a quorum to constitute action by the board.

7631 (ii) Except for board action to dispose of real property owned by the local district,
7632 board bylaws or rules may not require a vote of more than two-thirds vote of the board to
7633 constitute board action.

7634 (2) The board of trustees shall hold such regular and special meetings as the board
7635 determines at a location that the board determines.

7636 (3) Each meeting of the board of trustees shall comply with Title 52, Chapter 4, Open
7637 and Public Meetings Act.

7638 Section 155. Section **17B-1-311**, which is renumbered from Section 17A-1-306 is
7639 renumbered and amended to read:

7640 ~~[17A-1-306].~~ **17B-1-311. Board member prohibited from district**
7641 **employment -- Exception.**

7642 (1) No elected or appointed member of the [~~governing~~] board of trustees of a [~~special~~]
7643 local district may [~~be a full or part-time employee of the district while serving on the district's~~
7644 governing board], while serving on the board, be employed by the district, whether as an
7645 employee or under a contract.

7646 (2) No person employed by a ~~[special]~~ local district, whether as ~~[a full-time or~~
7647 ~~part-time]~~ an employee or under a contract, may serve on the ~~[governing]~~ board of that
7648 ~~[special]~~ local district.

7649 ~~[(3) A board member may not be compensated separately as a board member and as an~~
7650 ~~employee for providing the same service.]~~

7651 ~~[(4) This section does not apply to persons serving on a special district board as of~~
7652 ~~April 29, 1991, until their terms expire.]~~

7653 (3) This section does not apply to a local district if:

7654 (a) fewer than 3,000 people live within 40 miles of the primary place of employment,
7655 measured over all weather public roads; and

7656 (b) with respect to the employment of a board of trustees member under Subsection
7657 (1):

7658 (i) the job opening has had reasonable public notice; and

7659 (ii) the person employed is the best qualified candidate for the position.

7660 Section 156. Section **17B-1-312**, which is renumbered from Section 17A-2-102 is
7661 renumbered and amended to read:

7662 ~~[17A-2-102].~~ **17B-1-312. Training for board members.**

7663 (1) Each member of a board ~~[or governing body of an independent]~~ of trustees of a
7664 ~~[special]~~ local district, elected or appointed on or after May 3, 1999, should, within one year
7665 after taking office, complete the training described in Subsection (2).

7666 (2) In conjunction with the Utah Association of Special Districts, the state auditor
7667 shall:

7668 (a) develop a training curriculum for the members of ~~[independent special]~~ local
7669 district boards ~~[or governing bodies];~~ and

7670 (b) with the assistance of other state offices and departments the state auditor considers
7671 appropriate and at times and locations established by the state auditor, carry out the training of
7672 members of ~~[independent special]~~ local district boards ~~[or governing bodies].~~

7673 (3) (a) ~~[An independent special]~~ A local district board ~~[or governing body]~~ of trustees

7674 may compensate each member of the board [~~or governing body~~] up to \$100 per day for each
7675 day of training described in Subsection (2) that the member completes.

7676 (b) The per diem amount authorized under Subsection (3)(a) is in addition to all other
7677 amounts of compensation and expense reimbursement authorized under this chapter.

7678 (c) A board [~~or governing body~~] of trustees may not pay compensation under
7679 Subsection (3)(a) to any board [~~or governing body~~] member more than once in any consecutive
7680 two-year period.

7681 (4) The state auditor shall issue a certificate of completion to each board [~~or governing~~
7682 ~~body~~] member that completes the training described in Subsection (2).

7683 Section 157. Section **17B-1-313** is enacted to read:

7684 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**
7685 **No contest after contest period.**

7686 (1) After the board of trustees of a local district adopts a resolution or takes other
7687 action on behalf of the district, the board may provide for the publication of a notice of the
7688 resolution or other action.

7689 (2) Each notice under Subsection (1) shall:

7690 (a) include, as the case may be:

7691 (i) the language of the resolution or a summary of the resolution; or

7692 (ii) a description of the action taken by the board;

7693 (b) state that:

7694 (i) any person in interest may file an action in district court to contest the regularity,
7695 formality, or legality of the resolution or action within 30 days after the date of publication; and

7696 (ii) if the resolution or action is not contested by filing an action in district court within
7697 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or
7698 action after the expiration of the 30-day period; and

7699 (c) be published in a newspaper that is published or has general circulation in the
7700 district.

7701 (3) For a period of 30 days after the date of the publication, any person in interest may

7702 contest the regularity, formality, or legality of the resolution or other action by filing an action
7703 in district court.

7704 (4) After the expiration of the 30-day period under Subsection (3), no one may contest
7705 the regularity, formality, or legality of the resolution or action for any cause.

7706 Section 158. Section **17B-1-401**, which is renumbered from Section 17B-2-501 is
7707 renumbered and amended to read:

7708 **Part 4. Annexation**

7709 ~~[17B-2-501].~~ **17B-1-401. Definitions.**

7710 For purposes of this part:

7711 (1) "Applicable area" means:

7712 (a) for a county, the unincorporated area of the county that is included within the area
7713 proposed for annexation; or

7714 (b) for a municipality, the area of the municipality that is included within the area
7715 proposed for annexation.

7716 (2) "Retail" means, with respect to a service provided by a municipality[;] or local
7717 district, [~~or independent special district;~~] that the service is provided directly to the ultimate
7718 user.

7719 (3) "Wholesale" means, with respect to a service provided by a local district [~~or~~
7720 ~~independent special district~~], that the service is not provided directly to the ultimate user but is
7721 provided to a retail provider.

7722 Section 159. Section **17B-1-402**, which is renumbered from Section 17B-2-502 is
7723 renumbered and amended to read:

7724 ~~[17B-2-502].~~ **17B-1-402. Annexation of area outside local district.**

7725 (1) An area outside the boundaries of a local district may be annexed to the local
7726 district, as provided in this part, in order to provide to the area a service that the local district
7727 provides.

7728 (2) The area proposed to be annexed:

7729 (a) may consist of one or more noncontiguous areas; and

7730 (b) need not be adjacent to the boundaries of the proposed annexing local district.

7731 (3) With respect to a local district in the creation of which an election was not required
7732 under Subsection [~~17B-2-214~~] 17B-1-214(3)(c):

7733 (a) an unincorporated area of a county may not be annexed to the local district unless,
7734 after annexation, at least a majority of the unincorporated area of the county will be included in
7735 the local district; and

7736 (b) the annexation of any part of an area within a municipality shall include all of the
7737 area within the municipality.

7738 Section 160. Section **17B-1-403**, which is renumbered from Section 17B-2-503 is
7739 renumbered and amended to read:

7740 [~~17B-2-503~~]. **17B-1-403**. **Initiation of annexation process -- Petition and**
7741 **resolution.**

7742 (1) Except as provided in Sections [~~17B-2-515, 17B-2-515.5, and 17B-2-516~~]
7743 17B-1-415, 17B-1-416, and 17B-1-417, the process to annex an area to a local district may be
7744 initiated by:

7745 (a) (i) for a district whose board of trustees is elected by electors based on the acre-feet
7746 of water allotted to the land owned by the elector and subject to Subsection (2), a petition
7747 signed by the owners of all of the acre-feet of water allotted to the land proposed for
7748 annexation; or

7749 (ii) for all other districts:

7750 (A) a petition signed by:

7751 (I) the owners of private real property that:

7752 (Aa) is located within the area proposed to be annexed;

7753 (Bb) covers at least 10% of the total private land area within the entire area proposed to
7754 be annexed and within each applicable area; and

7755 (Cc) is equal in assessed value to at least 10% of the assessed value of all private real
7756 property within the entire area proposed to be annexed and within each applicable area; or

7757 (II) the owner of all the publicly owned real property, if all the real property within the

7758 area proposed for annexation is owned by a public entity other than the federal government; or

7759 (B) a petition signed by registered voters residing within the entire area proposed to be
7760 annexed and within each applicable area equal in number to at least 10% of the number of
7761 votes cast within the entire area proposed to be annexed and within each applicable area,
7762 respectively, for the office of governor at the last regular general election before the filing of
7763 the petition;

7764 (b) a resolution adopted by the legislative body of each county whose unincorporated
7765 area includes and each municipality whose boundaries include any of the area proposed to be
7766 annexed; or

7767 (c) a resolution adopted by the board of trustees of the proposed annexing local district
7768 if, for at least 12 consecutive months immediately preceding adoption of the resolution, the
7769 local district has provided:

7770 (i) retail service to the area; or

7771 (ii) a wholesale service to a provider of the same service that has provided that service
7772 on a retail basis to the area.

7773 (2) If an association representing all acre-feet of water allotted to the land that is
7774 proposed to be annexed to a local district signs a petition under Subsection (1)(a)(i), pursuant
7775 to a proper exercise of authority as provided in the bylaws or other rules governing the
7776 association, the petition shall be considered to have been signed by the owners of all of the
7777 acre-feet of water allotted to the land proposed for annexation, even though less than all of the
7778 owners within the association consented to the association signing the petition.

7779 (3) Each petition and resolution under Subsection (1) shall:

7780 (a) describe the area proposed to be annexed; and

7781 (b) be accompanied by a map of the boundaries of the area proposed to be annexed.

7782 (4) The legislative body of each county and municipality that adopts a resolution under
7783 Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of
7784 the resolution to the board of trustees of the proposed annexing local district.

7785 Section 161. Section **17B-1-404**, which is renumbered from Section 17B-2-504 is

7786 renumbered and amended to read:

7787 ~~[17B-2-504].~~ **17B-1-404. Petition requirements.**

7788 (1) Each petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a) shall:

7789 (a) indicate the typed or printed name and current residence address of each person
7790 signing the petition;

7791 (b) separately group signatures by county and municipality, so that all signatures of the
7792 owners of real property located within or of registered voters residing within each county
7793 whose unincorporated area includes and each municipality whose boundaries include part of
7794 the area proposed for annexation are grouped separately;

7795 (c) if it is a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a)(i) or (ii)(A),
7796 indicate the address of the property as to which the owner is signing the petition;

7797 (d) designate up to three signers of the petition as sponsors, one of whom shall be
7798 designated the contact sponsor, with the mailing address and telephone number of each;

7799 (e) be filed with the board of trustees of the proposed annexing local district; and

7800 (f) for a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(a)(i), state the proposed
7801 method of supplying water to the area proposed to be annexed.

7802 (2) By submitting a written withdrawal or reinstatement with the board of trustees of
7803 the proposed annexing local district, a signer of a petition may withdraw, or once withdrawn,
7804 reinstate the signer's signature at any time:

7805 (a) before the public hearing under Section ~~[17B-2-509]~~ 17B-1-409 is held; or

7806 (b) if a hearing is not held because of Subsection ~~[17B-2-513]~~ 17B-1-413(1) or because
7807 no hearing is requested under Subsection ~~[17B-2-513]~~ 17B-1-413(2)(a)(ii)(B), until 20 days
7808 after the local district provides notice under Subsection ~~[17B-2-513]~~ 17B-1-413(2)(a)(i).

7809 Section 162. Section **17B-1-405**, which is renumbered from Section 17B-2-505 is
7810 renumbered and amended to read:

7811 ~~[17B-2-505].~~ **17B-1-405. Petition certification.**

7812 (1) Within 30 days after the filing of a petition under Subsection ~~[17B-2-503]~~

7813 17B-1-403(1)(a)(i) or (ii), the board of trustees of the proposed annexing local district shall:

7814 (a) with the assistance of officers of the county in which the area proposed to be
7815 annexed is located from whom the board requests assistance, determine whether the petition
7816 meets the requirements of Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(i) or (ii), as the case may
7817 be, Subsection [~~17B-2-503~~] 17B-1-403(3), and Subsection [~~17B-2-504~~] 17B-1-404(1); and

7818 (b) (i) if the board determines that the petition complies with the requirements, certify
7819 the petition and mail or deliver written notification of the certification to the contact sponsor;
7820 or

7821 (ii) if the board determines that the petition fails to comply with any of the
7822 requirements, reject the petition and mail or deliver written notification of the rejection and the
7823 reasons for the rejection to the contact sponsor.

7824 (2) (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be
7825 amended to correct the deficiencies for which it was rejected and then refiled.

7826 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
7827 used toward fulfilling the applicable signature requirement of the petition as amended under
7828 Subsection (2)(a).

7829 (3) The board shall process an amended petition filed under Subsection (2)(a) in the
7830 same manner as an original petition under Subsection (1).

7831 Section 163. Section **17B-1-406**, which is renumbered from Section 17B-2-506 is
7832 renumbered and amended to read:

7833 [~~17B-2-506~~]. **17B-1-406. Notice to county and municipality -- Exception.**

7834 (1) Except as provided in Subsection (2), within ten days after certifying a petition
7835 under Subsection [~~17B-2-505~~] 17B-1-405(1)(b) the board of trustees of the proposed annexing
7836 local district shall mail or deliver a written notice of the proposed annexation, with a copy of
7837 the certification and a copy of the petition, to the legislative body of each:

7838 (a) county in whose unincorporated area any part of the area proposed for annexation is
7839 located; and

7840 (b) municipality in which any part of the area proposed for annexation is located.

7841 (2) The board is not required to send a notice under Subsection (1) to:

7842 (a) a county or municipality that does not provide the service proposed to be provided
7843 by the local district; or

7844 (b) a county or municipality whose legislative body has adopted an ordinance or
7845 resolution waiving the notice requirement as to:

7846 (i) the proposed annexing local district; or

7847 (ii) the service that the proposed annexing local district provides.

7848 (3) For purposes of this section, an area proposed to be annexed to a municipality in a
7849 petition under Section 10-2-403 filed before and still pending at the time of the filing of a
7850 petition under Subsection [~~17B-2-503~~] 17B-1-403(1)(a) and an area included within a
7851 municipality's annexation policy plan under Section 10-2-401.5 shall be considered to be part
7852 of that municipality.

7853 Section 164. Section **17B-1-407**, which is renumbered from Section 17B-2-507 is
7854 renumbered and amended to read:

7855 [~~17B-2-507~~]. **17B-1-407**. **Notice of intent to consider providing service --**
7856 **Public hearing requirements.**

7857 (1) (a) If the legislative body of a county or municipality whose applicable area is
7858 proposed to be annexed to a local district in a petition under Subsection [~~17B-2-503~~]
7859 17B-1-403(1)(a) intends to consider having the county or municipality, respectively, provide to
7860 the applicable area the service that the proposed annexing local district provides, the legislative
7861 body shall, within 30 days after receiving the notice under Subsection [~~17B-2-506~~]
7862 17B-1-406(1), mail or deliver a written notice to the board of trustees of the proposed annexing
7863 local district indicating that intent.

7864 (b) (i) A notice of intent under Subsection (1)(a) suspends the local district's
7865 annexation proceeding as to the applicable area of the county or municipality that submits the
7866 notice of intent until the county or municipality:

7867 (A) adopts a resolution under Subsection [~~17B-2-508~~] 17B-1-408(1) declining to
7868 provide the service proposed to be provided by the proposed annexing local district; or

7869 (B) is considered under Subsection [~~17B-2-508~~] 17B-1-408(2) or (3) to have declined

7870 to provide the service.

7871 (ii) The suspension of an annexation proceeding under Subsection (1)(b)(i) as to an
7872 applicable area does not prevent the local district from continuing to pursue the annexation
7873 proceeding with respect to other applicable areas for which no notice of intent was submitted.

7874 (c) If a legislative body does not mail or deliver a notice of intent within the time
7875 required under Subsection (1)(a), the legislative body shall be considered to have declined to
7876 provide the service.

7877 (2) Each legislative body that mails or delivers a notice under Subsection (1)(a) shall
7878 hold a public hearing or a set of public hearings, sufficient in number and location to ensure
7879 that no substantial group of residents of the area proposed for annexation need travel an
7880 unreasonable distance to attend a public hearing.

7881 (3) Each public hearing under Subsection (2) shall be held:

7882 (a) no later than 45 days after the legislative body sends notice under Subsection (1);

7883 (b) except as provided in Subsections (6) and (7), within the applicable area; and

7884 (c) for the purpose of allowing public input on:

7885 (i) whether the service is needed in the area proposed for annexation;

7886 (ii) whether the service should be provided by the county or municipality or the
7887 proposed annexing local district; and

7888 (iii) all other matters relating to the issue of providing the service or the proposed
7889 annexation.

7890 (4) A quorum of the legislative body of each county or municipal legislative body
7891 holding a public hearing under this section shall be present throughout each hearing held by
7892 that county or municipal legislative body.

7893 (5) Each hearing under this section shall be held on a weekday evening other than a
7894 holiday beginning no earlier than [~~6:00~~] 6 p.m.

7895 (6) Two or more county or municipal legislative bodies may jointly hold a hearing or
7896 set of hearings required under this section if all the requirements of this section, other than the
7897 requirements of Subsection (3)(b), are met as to each hearing.

7898 (7) Notwithstanding Subsection (3)(b), a county or municipal legislative body may
7899 hold a public hearing or set of public hearings outside the applicable area if:

7900 (a) there is no reasonable place to hold a public hearing within the applicable area; and

7901 (b) the public hearing or set of public hearings is held as close to the applicable area as
7902 reasonably possible.

7903 (8) Before holding a public hearing or set of public hearings under this section, the
7904 legislative body of each county or municipality that receives a request for service shall provide
7905 notice of the hearing or set of hearings as provided in Section [~~17B-2-211~~] 17B-1-211.

7906 Section 165. Section **17B-1-408**, which is renumbered from Section 17B-2-508 is
7907 renumbered and amended to read:

7908 ~~[17B-2-508]~~. **17B-1-408**. Resolution indicating whether the requested
7909 service will be provided.

7910 (1) Within 30 days after the last hearing required under Section [~~17B-2-507~~]
7911 17B-1-407 is held, the legislative body of each county and municipality that sent a notice of
7912 intent under Subsection [~~17B-2-507~~] 17B-1-407(1) shall adopt a resolution indicating whether
7913 the county or municipality will provide to the area proposed for annexation within its
7914 boundaries the service proposed to be provided by the proposed annexing local district.

7915 (2) If the county or municipal legislative body fails to adopt a resolution within the
7916 time provided under Subsection (1), the county or municipality shall be considered to have
7917 declined to provide the service.

7918 (3) If a county or municipal legislative body adopts a resolution under Subsection (1)
7919 indicating that the county or municipality will provide the service but the county or
7920 municipality does not, within 120 days after the adoption of that resolution, take substantial
7921 measures to provide the service, the county or municipality shall be considered to have
7922 declined to provide the service.

7923 (4) Each county or municipality whose legislative body adopts a resolution under
7924 Subsection (1) indicating that the county or municipality will provide the service shall
7925 diligently proceed to take all measures necessary to provide the service.

7926 (5) If a county or municipal legislative body adopts a resolution under Subsection (1)
7927 indicating that the county or municipality will provide the service and the county or
7928 municipality takes substantial measures within the time provided in Subsection (3) to provide
7929 the service, the local district's annexation proceeding as to the applicable area of that county or
7930 municipality is terminated and that applicable area is considered deleted from the area
7931 proposed to be annexed in a petition under Subsection [~~17B-2-503~~] 17B-1-403(1)(a).

7932 Section 166. Section **17B-1-409**, which is renumbered from Section 17B-2-509 is
7933 renumbered and amended to read:

7934 [~~17B-2-509~~]. **17B-1-409. Public hearing on proposed annexation.**

7935 (1) Except as provided in Sections [~~17B-2-513~~] 17B-1-413 and [~~17B-2-515~~]
7936 17B-1-415, the board of trustees of each local district that certifies a petition that was filed
7937 under Subsection [~~17B-2-503~~] 17B-1-403(1)(a)(ii)(A) or (B), receives a resolution adopted
7938 under Subsection [~~17B-2-503~~] 17B-1-403(1)(b), or adopts a resolution under Subsection
7939 [~~17B-2-503~~] 17B-1-403(1)(c) shall hold a public hearing on the proposed annexation and
7940 provide notice of the hearing as provided in Section [~~17B-2-510~~] 17B-1-410.

7941 (2) Each public hearing under Subsection (1) shall be held:

7942 (a) within 45 days after:

7943 (i) if no notice to a county or municipal legislative body is required under Section
7944 [~~17B-2-506~~] 17B-1-406, petition certification under Section [~~17B-2-505~~] 17B-1-405; or

7945 (ii) if notice is required under Section [~~17B-2-506~~] 17B-1-406, but no notice of intent
7946 is submitted by the deadline:

7947 (A) expiration of the deadline under Subsection [~~17B-2-507~~] 17B-1-407(1) to submit a
7948 notice of intent; or

7949 (B) termination of a suspension of the annexation proceeding under Subsection
7950 [~~17B-2-507~~] 17B-1-407(1)(b);

7951 (b) (i) for a local district located entirely within a single county:

7952 (A) within or as close as practicable to the area proposed to be annexed; or

7953 (B) at the local district office; or

7954 (ii) for a local district located in more than one county:
7955 (A) (I) within the county in which the area proposed to be annexed is located; and
7956 (II) within or as close as practicable to the area proposed to be annexed; or
7957 (B) if the local district office is reasonably accessible to all residents within the area
7958 proposed to be annexed, at the local district office;
7959 (c) on a weekday evening other than a holiday beginning no earlier than ~~[6:00]~~ 6 p.m.;

7960 and

7961 (d) for the purpose of allowing:

7962 (i) the public to ask questions and obtain further information about the proposed
7963 annexation and issues raised by it; and

7964 (ii) any interested person to address the board regarding the proposed annexation.

7965 (3) A quorum of the board of trustees of the proposed annexing local district shall be
7966 present throughout each public hearing held under this section.

7967 (4) (a) After holding a public hearing under this section or, if no hearing is held
7968 because of application of Subsection ~~[17B-2-513]~~ 17B-1-413(2)(a)(ii), after expiration of the
7969 time under Subsection ~~[17B-2-513]~~ 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board
7970 of trustees may by resolution deny the annexation and terminate the annexation procedure if:

7971 (i) for a proposed annexation initiated by a petition under Subsection ~~[17B-2-503]~~
7972 17B-1-403(1)(a)(i) or (ii), the board determines that:

7973 (A) it is not feasible for the local district to provide service to the area proposed to be
7974 annexed; or

7975 (B) annexing the area proposed to be annexed would be inequitable to the owners of
7976 real property or residents already within the local district; or

7977 (ii) for a proposed annexation initiated by resolution under Subsection ~~[17B-2-503]~~
7978 17B-1-403(1)(b) or (c), the board determines not to pursue annexation.

7979 (b) In each resolution adopted under Subsection (4)(a), the board shall set forth its
7980 reasons for denying the annexation.

7981 Section 167. Section **17B-1-410**, which is renumbered from Section 17B-2-510 is

7982 renumbered and amended to read:

7983 ~~[17B-2-510]~~. **17B-1-410. Notice of public hearing.**

7984 (1) Before holding a public hearing required under Section ~~[17B-2-509]~~ 17B-1-409, the
7985 board of trustees of each proposed annexing local district shall:

7986 (a) mail notice of the public hearing and the proposed annexation to:

7987 (i) if the local district is funded predominantly by revenues from a property tax, each
7988 owner of private real property located within the area proposed to be annexed, as shown upon
7989 the county assessment roll last equalized as of the previous December 31; or

7990 (ii) if the local district is not funded predominantly by revenues from a property tax,
7991 each registered voter residing within the area proposed to be annexed, as determined by the
7992 voter registration list maintained by the county clerk as of a date selected by the board of
7993 trustees that is at least 20 but not more than 60 days before the public hearing; and

7994 (b) post notice of the public hearing and the proposed annexation in at least four
7995 conspicuous places within the area proposed to be annexed, no less than ten and no more than
7996 30 days before the public hearing.

7997 (2) Each notice required under Subsection (1) shall:

7998 (a) describe the area proposed to be annexed;

7999 (b) identify the proposed annexing local district;

8000 (c) state the date, time, and location of the public hearing;

8001 (d) provide a local district telephone number where additional information about the
8002 proposed annexation may be obtained;

8003 (e) specify the estimated financial impact, in terms of taxes and fees, upon the typical
8004 resident and upon the typical property owner within the area proposed to be annexed if the
8005 proposed annexation is completed; and

8006 (f) except for a proposed annexation under a petition that meets the requirements of
8007 Subsection ~~[17B-2-513]~~ 17B-1-413(1), explain that property owners and registered voters
8008 within the area proposed to be annexed may protest the annexation by filing a written protest
8009 with the local district board of trustees within 30 days after the public hearing.

8010 Section 168. Section **17B-1-411**, which is renumbered from Section 17B-2-511 is
8011 renumbered and amended to read:

8012 ~~[17B-2-511]~~. **17B-1-411. Modifications to area proposed for annexation --**
8013 **Limitations.**

8014 (1) (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30
8015 days after the public hearing under Section ~~[17B-2-509]~~ 17B-1-409, or, if no public hearing is
8016 held, within 30 days after the board provides notice under Subsection ~~[17B-2-513]~~
8017 17B-1-413(2)(a)(i), modify the area proposed for annexation to include land not previously
8018 included in that area or to exclude land from that area if the modification enhances the
8019 feasibility of the proposed annexation.

8020 (b) A modification under Subsection (1)(a) may consist of the exclusion of all the land
8021 within an applicable area if:

8022 (i) the entire area proposed to be annexed consists of more than that applicable area;

8023 (ii) sufficient protests under Section ~~[17B-2-512]~~ 17B-1-412 are filed with respect to
8024 that applicable area that an election would have been required under Subsection ~~[17B-2-512]~~
8025 17B-1-412(3) if that applicable area were the entire area proposed to be annexed; and

8026 (iii) the other requirements of Subsection (1)(a) are met.

8027 (2) A board of trustees may not add property under Subsection (1) to the area proposed
8028 for annexation without the consent of the owner of that property.

8029 (3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may
8030 not avoid the requirement for an election under Subsection ~~[17B-2-512]~~ 17B-1-412(3) if,
8031 before the modification, the election was required because of protests filed under Section
8032 ~~[17B-2-512]~~ 17B-1-412.

8033 (4) If the annexation is proposed by a petition under Subsection ~~[17B-2-503]~~
8034 17B-1-403(1)(a)(ii)(A) or (B), a modification may not be made unless the requirements of
8035 Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a)(ii)(A) or (B) are met after the modification as to the
8036 area proposed to be annexed.

8037 (5) If the petition meets the requirements of Subsection ~~[17B-2-513]~~ 17B-1-413(1)

8038 before a modification under this section but fails to meet those requirements after modification:

8039 (a) the local district board shall give notice as provided in Section [~~17B-2-510~~]
8040 17B-1-410 and hold a public hearing as provided in Section [~~17B-2-509~~] 17B-1-409 on the
8041 proposed annexation; and

8042 (b) the petition shall be considered in all respects as one that does not meet the
8043 requirements of Subsection [~~17B-2-513~~] 17B-1-413(1).

8044 Section 169. Section **17B-1-412**, which is renumbered from Section 17B-2-512 is
8045 renumbered and amended to read:

8046 [~~17B-2-512~~]. **17B-1-412. Protests -- Election.**

8047 (1) (a) An owner of private real property located within or a registered voter residing
8048 within an area proposed to be annexed may protest an annexation by filing a written protest
8049 with the board of trustees of the proposed annexing local district, except:

8050 (i) as provided in Section [~~17B-2-513~~] 17B-1-413;

8051 (ii) for an annexation under Section [~~17B-2-515~~] 17B-1-415; and

8052 (iii) for an annexation proposed by a local district that receives sales and use tax funds
8053 from the counties, cities, and towns within the local district that impose a sales and use tax
8054 under Section 59-12-501.

8055 (b) A protest of a boundary adjustment is not governed by this section but is governed
8056 by Section [~~17B-2-516~~] 17B-1-417.

8057 (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of
8058 the public hearing under Section [~~17B-2-509~~] 17B-1-409.

8059 (3) (a) Except as provided in Subsection (4), the local district shall hold an election on
8060 the proposed annexation if:

8061 (i) timely protests are filed by:

8062 (A) the owners of private real property that:

8063 (I) is located within the area proposed to be annexed;

8064 (II) covers at least 10% of the total private land area within the entire area proposed to
8065 be annexed and within each applicable area; and

8066 (III) is equal in assessed value to at least 10% of the assessed value of all private real
8067 property within the entire area proposed to be annexed and within each applicable area; or

8068 (B) registered voters residing within the entire area proposed to be annexed and within
8069 each applicable area equal in number to at least 10% of the number of votes cast within the
8070 entire area proposed for annexation and within each applicable area, respectively, for the office
8071 of governor at the last regular general election before the filing of the petition; or

8072 (ii) the proposed annexing local district is one that receives sales and use tax funds
8073 from the counties, cities, and towns within the local district that impose a sales and use tax
8074 under Section 59-12-501.

8075 (b) (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be
8076 phrased to indicate that a voter's casting a vote for or against the annexation includes also a
8077 vote for or against the imposition of the sales and use tax as provided in Section 59-12-501.

8078 (ii) Except as otherwise provided in this part, each election under Subsection (3)(a)
8079 shall be governed by Title 20A, Election Code.

8080 (c) If a majority of registered voters residing within the area proposed to be annexed
8081 and voting on the proposal vote:

8082 (i) in favor of annexation, the board of trustees shall, subject to Subsections
8083 [~~17B-2-514~~] 17B-1-414(1)(b), (2), and (3), complete the annexation by adopting a resolution
8084 approving annexation of the area; or

8085 (ii) against annexation, the annexation process is terminated, the board may not adopt a
8086 resolution approving annexation of the area, and the area proposed to be annexed may not for
8087 two years be the subject of an effort under this part to annex to the same local district.

8088 (4) If sufficient protests are filed under this section to require an election for a
8089 proposed annexation to which the protest provisions of this section are applicable, a board of
8090 trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and
8091 terminating the annexation process without holding an election.

8092 Section 170. Section **17B-1-413**, which is renumbered from Section 17B-2-513 is
8093 renumbered and amended to read:

8094 ~~[17B-2-513]~~. **17B-1-413. Hearing, notice, and protest provisions do not**
8095 **apply for certain petitions.**

8096 (1) Section ~~[17B-2-512]~~ 17B-1-412 does not apply, and, except as provided in
8097 Subsection (2)(a), Sections ~~[17B-2-509]~~ 17B-1-409 and ~~[17B-2-510]~~ 17B-1-410 do not apply:

8098 (a) if the process to annex an area to a local district was initiated by:

8099 (i) a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a)(i);

8100 (ii) a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a)(ii)(A) that was signed by
8101 the owners of private real property that:

8102 (A) is located within the area proposed to be annexed;

8103 (B) covers at least 75% of the total private land area within the entire area proposed to
8104 be annexed and within each applicable area; and

8105 (C) is equal in assessed value to at least 75% of the assessed value of all private real
8106 property within the entire area proposed to be annexed and within each applicable area; or

8107 (iii) a petition under Subsection ~~[17B-2-503]~~ 17B-1-403(1)(a)(ii)(B) that was signed by

8108 registered voters residing within the entire area proposed to be annexed and within each

8109 applicable area equal in number to at least 75% of the number of votes cast within the entire

8110 area proposed to be annexed and within each applicable area, respectively, for the office of

8111 governor at the last regular general election before the filing of the petition;

8112 (b) to an annexation under Section ~~[17B-2-515]~~ 17B-1-415; or

8113 (c) to a boundary adjustment under Section ~~[17B-2-516]~~ 17B-1-417.

8114 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
8115 Section ~~[17B-2-505]~~ 17B-1-405, the local district board:

8116 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);

8117 and

8118 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section

8119 ~~[17B-2-509]~~ 17B-1-409 after giving notice of the public hearing as provided in Subsection

8120 (2)(b); and

8121 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),

8122 hold a public hearing as provided in Section [~~17B-2-509~~] 17B-1-409 if a written request to do
8123 so is submitted, within 20 days after the local district provides notice under Subsection
8124 (2)(a)(i), to the local district board by an owner of property that is located within or a registered
8125 voter residing within the area proposed to be annexed who did not sign the annexation petition.

8126 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

8127 (i) be given:

8128 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
8129 certification; or

8130 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least ten but not more
8131 than 30 days before the public hearing; and

8132 (B) by:

8133 (I) posting written notice at the local district's principal office and in one or more other
8134 locations within or proximate to the area proposed to be annexed as are reasonable under the
8135 circumstances, considering the number of parcels included in that area, the size of the area, the
8136 population of the area, and the contiguousness of the area; and

8137 (II) providing written notice to at least one newspaper of general circulation, if there is
8138 one, within the area proposed to be annexed or to a local media correspondent; and

8139 (ii) contain a brief explanation of the proposed annexation and include the name of the
8140 local district, the service provided by the local district, a description or map of the area
8141 proposed to be annexed, a local district telephone number where additional information about
8142 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an
8143 explanation of the right of a property owner or registered voter to request a public hearing as
8144 provided in Subsection (2)(a)(ii)(B).

8145 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
8146 required for a public hearing under Subsection (2)(a)(ii)(A).

8147 Section 171. Section **17B-1-414**, which is renumbered from Section 17B-2-514 is
8148 renumbered and amended to read:

8149 [~~17B-2-514~~]. **17B-1-414**. **Resolution approving an annexation -- Notice of**

8150 **annexation -- When annexation complete.**

8151 (1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution
8152 approving the annexation of the area proposed to be annexed or rejecting the proposed
8153 annexation within 30 days after:

8154 (i) expiration of the protest period under Subsection [~~17B-2-512~~] 17B-1-412(2), if
8155 sufficient protests to require an election are not filed;

8156 (ii) for a petition that meets the requirements of Subsection [~~17B-2-513~~] 17B-1-413(1):

8157 (A) a public hearing under Section [~~17B-2-509~~] 17B-1-409 is held, if the board
8158 chooses or is required to hold a public hearing under Subsection [~~17B-2-513~~]
8159 17B-1-413(2)(a)(ii); or

8160 (B) expiration of the time for submitting a request for public hearing under Subsection
8161 [~~17B-2-513~~] 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to
8162 hold a public hearing.

8163 (b) If the local district has entered into an agreement with the United States that
8164 requires the consent of the United States for an annexation of territory to the district, a
8165 resolution approving annexation under this part may not be adopted until the written consent of
8166 the United States is obtained and filed with the board of trustees.

8167 (2) (a) The board shall file a notice with the lieutenant governor:

8168 (i) within 30 days after adoption of a resolution under Subsection (1), Subsection
8169 [~~17B-2-512~~] 17B-1-412(3)(c)(i), or Section [~~17B-2-515~~] 17B-1-415; and

8170 (ii) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a
8171 municipal annexation that causes an automatic annexation to a local district under Section
8172 [~~17B-2-515.5~~] 17B-1-416.

8173 (b) The notice required under Subsection (2)(a) shall:

8174 (i) be accompanied by:

8175 (A) if applicable, a copy of the board resolution approving the annexation; and

8176 (B) an accurate map depicting the boundaries of the area to be annexed or a legal
8177 description of the area to be annexed, adequate for purposes of the county assessor and

8178 recorder;

8179 (ii) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), include
8180 a certification by the local district board that all requirements for the annexation have been
8181 complied with; and

8182 (iii) for an automatic annexation to a local district under Section [~~17B-2-515.5~~
8183 17B-1-416], state that an area outside the boundaries of the local district is being automatically
8184 annexed to the local district under Section [~~17B-2-515.5~~] 17B-1-416 because of a municipal
8185 annexation under Title 10, Chapter 2, Part 4, Annexation.

8186 (3) The annexation shall be complete:

8187 (a) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), upon
8188 the lieutenant governor's issuance of the certificate of annexation under Section 67-1a-6.5; and

8189 (b) for an automatic annexation that is the subject of a notice under Subsection
8190 (2)(a)(ii), upon the lieutenant governor's issuance of the certificate of annexation under
8191 Subsection 10-1-117(3)(b).

8192 Section 172. Section **17B-1-415**, which is renumbered from Section 17B-2-515 is
8193 renumbered and amended to read:

8194 [~~17B-2-515~~]. **17B-1-415. Annexation of wholesale district through**
8195 **expansion of retail provider.**

8196 (1) (a) A local district that provides a wholesale service may adopt a resolution
8197 approving the annexation of an area outside the local district's boundaries if:

8198 (i) the area is annexed by or otherwise added to, or is added to the retail service area of,
8199 a municipality[~~,-an independent special district,]~~ or another local district that:

8200 (A) acquires the wholesale service from the local district and provides it as a retail
8201 service;

8202 (B) is, before the annexation or other addition, located at least partly within the local
8203 district; and

8204 (C) after the annexation or other addition will provide to the annexed or added area the
8205 same retail service that the local district provides as a wholesale service to the municipality[~~;~~

8206 ~~independent special district,~~] or other local district; and

8207 (ii) except as provided in Subsection (2), no part of the area is within the boundaries of
8208 [~~an independent special district under Title 17A, Chapter 2, Independent Special Districts, or~~
8209 another local district that provides the same wholesale service as the proposed annexing local
8210 district.

8211 (b) For purposes of this section:

8212 (i) a local district providing public transportation service shall be considered to be
8213 providing a wholesale service; and

8214 (ii) a municipality included within the boundaries of the local district providing public
8215 transportation service shall be considered to be acquiring that wholesale service from the local
8216 district and providing it as a retail service and to be providing that retail service after the
8217 annexation or other addition to the annexed or added area, even though the municipality does
8218 not in fact provide that service.

8219 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a local
8220 district providing a wholesale service and located partly or entirely within the boundaries of [~~an~~
8221 ~~independent special district or~~] another local district that provides the same wholesale service
8222 may be annexed to the local district if:

8223 (a) the conditions under Subsection (1)(a)(i) are present; and

8224 (b) the proposed annexing local district and the [~~independent special district or~~] other
8225 local district follow the same procedure as is required for a boundary adjustment under Section
8226 [~~17B-2-516~~] 17B-1-417, including both district boards adopting a resolution approving the
8227 annexation of the area to the proposed annexing local district and the withdrawal of that area
8228 from the other district.

8229 (3) Upon the adoption of an annexation resolution under this section, the board of the
8230 annexing local district shall comply with the requirements of Subsection [~~17B-2-514~~]
8231 17B-1-414(2), and the lieutenant governor shall issue a certificate of annexation and send a
8232 copy of notice as provided in [~~Subsection 17B-2-514(2)(c)~~] Section 67-1a-6.5.

8233 (4) Subsection [~~17B-2-514~~] 17B-1-414(3) applies to an annexation under this section.

8234 Section 173. Section **17B-1-416**, which is renumbered from Section 17B-2-515.5 is
8235 renumbered and amended to read:

8236 ~~[17B-2-515.5].~~ **17B-1-416. Automatic annexation to a district providing fire**
8237 **protection, paramedic, and emergency services.**

8238 (1) An area outside the boundaries of a local district that is annexed to a municipality
8239 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,
8240 Annexation, is automatically annexed to the local district if:

8241 (a) the local district provides fire protection, paramedic, and emergency services;

8242 (b) an election for the creation of the local district was not required because of
8243 Subsection ~~[17B-2-214]~~ 17B-1-214(3)(c); and

8244 (c) before the municipal annexation or boundary adjustment, the entire municipality
8245 that is annexing the area or adding the area by boundary adjustment was included within the
8246 local district.

8247 (2) The effective date of an annexation under this section is governed by Subsection
8248 ~~[17B-2-514]~~ 17B-1-414(3)(b).

8249 Section 174. Section **17B-1-417**, which is renumbered from Section 17B-2-516 is
8250 renumbered and amended to read:

8251 ~~[17B-2-516].~~ **17B-1-417. Boundary adjustment -- Notice and hearing --**
8252 **Protest -- Resolution adjusting boundaries -- Notice of the adjustment -- Notice to**
8253 **lieutenant governor.**

8254 (1) As used in this section, "affected area" means the area located within the
8255 boundaries of one local district that will be removed from that local district and included within
8256 the boundaries of another local district because of a boundary adjustment under this section.

8257 (2) The boards of trustees of two or more local districts having a common boundary
8258 and providing the same service on the same wholesale or retail basis may adjust their common
8259 boundary as provided in this section.

8260 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
8261 common with another local district shall:

- 8262 (i) adopt a resolution indicating the board's intent to adjust a common boundary;
- 8263 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
- 8264 after the adoption of the resolution under Subsection (3)(a)(i); and
- 8265 (iii) (A) (I) publish notice once a week for two successive weeks in a newspaper of
- 8266 general circulation within the local district; or
- 8267 (II) if there is no newspaper of general circulation within the local district, post notice
- 8268 in at least four conspicuous places within the local district; or
- 8269 (B) mail a notice to each owner of property located within the affected area and to each
- 8270 registered voter residing within the affected area.
- 8271 (b) The notice required under Subsection (3)(a)(iii) shall:
- 8272 (i) state that the board of trustees of the local district has adopted a resolution
- 8273 indicating the board's intent to adjust a boundary that the local district has in common with
- 8274 another local district that provides the same service as the local district;
- 8275 (ii) describe the affected area;
- 8276 (iii) state the date, time, and location of the public hearing required under Subsection
- 8277 (3)(a)(ii);
- 8278 (iv) provide a local district telephone number where additional information about the
- 8279 proposed boundary adjustment may be obtained;
- 8280 (v) explain the financial and service impacts of the boundary adjustment on property
- 8281 owners or residents within the affected area; and
- 8282 (vi) state in conspicuous and plain terms that the board of trustees may approve the
- 8283 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
- 8284 written protests to the adjustment are filed with the board by:
- 8285 (A) the owners of private real property that:
- 8286 (I) is located within the affected area;
- 8287 (II) covers at least 50% of the total private land area within the affected area; and
- 8288 (III) is equal in assessed value to at least 50% of the assessed value of all private real
- 8289 property within the affected area; or

8290 (B) registered voters residing within the affected area equal in number to at least 50%
8291 of the votes cast in the affected area for the office of governor at the last regular general
8292 election before the filing of the protests.

8293 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
8294 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

8295 (d) The boards of trustees of the local districts whose boundaries are being adjusted
8296 may jointly:

8297 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

8298 (ii) hold the public hearing required under Subsection (3)(a)(ii).

8299 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
8300 may adopt a resolution approving the adjustment of the common boundary unless, at or before
8301 the public hearing, written protests to the boundary adjustment have been filed with the board
8302 by:

8303 (a) the owners of private real property that:

8304 (i) is located within the affected area;

8305 (ii) covers at least 50% of the total private land area within the affected area; and

8306 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
8307 property within the affected area; or

8308 (b) registered voters residing within the affected area equal in number to at least 50%
8309 of the votes cast in the affected area for the office of governor at the last regular general
8310 election before the filing of the protests.

8311 (5) A resolution adopted under Subsection (4) does not take effect until the board of
8312 each local district whose boundaries are being adjusted has adopted a resolution under
8313 Subsection (4).

8314 (6) (a) Within 30 days after the resolutions take effect under Subsection (5), the board
8315 of the local district whose boundaries are being adjusted to include the affected area shall file a
8316 notice with the lieutenant governor.

8317 (b) The notice required under Subsection (6)(a) shall:

8318 (i) be accompanied by:
 8319 (A) a copy of each of the board resolutions approving the boundary adjustment; and
 8320 (B) an accurate map depicting the affected area or a legal description of the affected
 8321 area, adequate for purposes of the county assessor and recorder; and

8322 (ii) include a certification by the board of the local district whose boundaries are being
 8323 adjusted to include the affected area that all requirements for the boundary adjustment have
 8324 been complied with.

8325 (7) Upon the lieutenant governor's issuance of a certificate of boundary change under
 8326 Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are being
 8327 adjusted to include the affected area, and the affected area is withdrawn from the local district
 8328 whose boundaries are being adjusted to exclude the affected area.

8329 Section 175. Section **17B-1-418**, which is renumbered from Section 17B-2-517 is
 8330 renumbered and amended to read:

8331 ~~[17B-2-517]~~. **17B-1-418. Annexed area subject to fees, charges, and taxes.**

8332 When an annexation under Section ~~[17B-2-514]~~ 17B-1-414 or ~~[17B-2-515]~~ 17B-1-415
 8333 or a boundary adjustment under Section ~~[17B-2-516]~~ 17B-1-417 is complete, the annexed area
 8334 or the area affected by the boundary adjustment shall be subject to user fees or charges imposed
 8335 by and property, sales, and other taxes levied by or for the benefit of the local district.

8336 Section 176. Section **17B-1-501** is enacted to read:

8337 **Part 5. Withdrawal**

8338 **17B-1-501. Definition.**

8339 As used in this part, "receiving entity" means the entity that will, after the withdrawal of
 8340 an area from a local district, provide to the withdrawn area the service that the local district
 8341 previously provided to the area.

8342 Section 177. Section **17B-1-502**, which is renumbered from Section 17B-2-601 is
 8343 renumbered and amended to read:

8344 ~~[17B-2-601]~~. **17B-1-502. Withdrawal of area from local district --**

8345 **Automatic withdrawal in certain circumstances -- Definitions.**

8346 (1) (a) An area within the boundaries of a local district may be withdrawn from the
8347 local district only as provided in this part.

8348 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local
8349 district within a municipality because of a municipal incorporation under Title 10, Chapter 2,
8350 Part 1, Incorporation, or a municipal annexation or boundary adjustment under Title 10,
8351 Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the process
8352 of withdrawing that area from the local district.

8353 (2) (a) An area within the boundaries of a local district is automatically withdrawn
8354 from the local district by the annexation of the area to a municipality or the adding of the area
8355 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

8356 (i) the local district provides fire protection, paramedic, and emergency services;
8357 (ii) an election for the creation of the local district was not required because of
8358 Subsection [~~17B-2-214~~] 17B-1-214(3)(c); and

8359 (iii) before annexation or boundary adjustment, the boundaries of the local district do
8360 not include any of the annexing municipality.

8361 (b) The effective date of a withdrawal under this Subsection (2) is governed by
8362 Subsection [~~17B-2-610~~] 17B-1-512(2)(b).

8363 (3) (a) An area within the boundaries of a local district located in a county of the first
8364 class is automatically withdrawn from the local district by the incorporation of a municipality
8365 whose boundaries include the area if:

8366 (i) the local district provides fire protection, paramedic, and emergency services;
8367 (ii) an election for the creation of the local district was not required because of
8368 Subsection [~~17B-2-214~~] 17B-1-214(3)(c); and

8369 (iii) the legislative body of the newly incorporated municipality:

8370 (A) adopts a resolution approving the withdrawal that includes the legal description of
8371 the area to be withdrawn; and

8372 (B) delivers a copy of the resolution to the board of trustees of the local district.

8373 (b) The effective date of a withdrawal under this Subsection (3) is governed by

8374 Subsection [~~17B-2-610~~] 17B-1-512(2)(a).

8375 [~~(4) In addition to those definitions in Section 17B-2-101, as used in this part,~~
8376 "receiving entity" means an entity that will, following a withdrawal, provide to the withdrawn
8377 area the service previously provided by the local district.]

8378 Section 178. Section **17B-1-503**, which is renumbered from Section 17B-2-602 is
8379 renumbered and amended to read:

8380 [~~17B-2-602~~]. **17B-1-503. Withdrawal or boundary adjustment with**
8381 **municipal approval.**

8382 (1) A municipality and a local district whose boundaries adjoin or overlap may adjust
8383 the boundary of the local district to include more or less of the municipality in the local district
8384 by following the same procedural requirements as set forth in Section [~~17B-2-516~~] 17B-1-417
8385 for boundary adjustments between adjoining local districts.

8386 (2) After a boundary adjustment under Subsection (1) is complete, the local district
8387 shall provide the same service to any area added to the local district as provided to other areas
8388 within the local district and the municipality shall provide the same service that the local
8389 district previously provided to any area withdrawn from the local district.

8390 (3) No area within a municipality may be added to the area of a local district under this
8391 section if the area is part of a local district that provides the same wholesale or retail service as
8392 the first local district.

8393 Section 179. Section **17B-1-504**, which is renumbered from Section 17B-2-603 is
8394 renumbered and amended to read:

8395 [~~17B-2-603~~]. **17B-1-504. Initiation of withdrawal process -- Notice of**
8396 **petition.**

8397 (1) Except as provided in Section [~~17B-2-603.5~~] 17B-1-505, the process to withdraw
8398 an area from a local district may be initiated:

8399 (a) for a local district funded predominantly by revenues from property taxes or service
8400 charges other than those based upon acre-feet of water:

8401 (i) by a petition signed by the owners of private real property that:

8402 (A) is located within the area proposed to be withdrawn;

8403 (B) covers at least 51% of the total private land within the area proposed to be
8404 withdrawn; and

8405 (C) is equal in taxable value to at least 51% of the taxable value of all private real
8406 property within the area proposed to be withdrawn;

8407 (ii) by a petition signed by registered voters residing within the area proposed to be
8408 withdrawn equal in number to at least 67% of the number of votes cast in the same area for the
8409 office of governor at the last regular general election before the filing of the petition;

8410 (iii) by a resolution adopted by the board of trustees of the local district in which the
8411 area proposed to be withdrawn is located, which:

8412 (A) states the reasons for withdrawal; and

8413 (B) is accompanied by a general description of the area proposed to be withdrawn; or

8414 (iv) by a resolution to file a petition with the local district to withdraw from the local
8415 district all or a specified portion of the area within a municipality or county, adopted by the
8416 governing body of a municipality that has within its boundaries an area located within the
8417 boundaries of a local district, or by the governing body of a county that has within its
8418 boundaries an area located within the boundaries of a local district that is located in more than
8419 one county, which petition of the governing body shall be filed with the board of trustees only
8420 if a written request to petition the board of trustees to withdraw an area from the local district
8421 has been filed with the governing body of the municipality, or county, and the request has been
8422 signed by registered voters residing within the boundaries of the area proposed for withdrawal
8423 equal in number to at least 51% of the number of votes cast in the same area for the office of
8424 governor at the last regular general election before the filing of the petition;

8425 (b) for a local district whose board of trustees is elected by electors based on the
8426 acre-feet of water allotted to the land owned by the elector:

8427 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

8428 (ii) by a petition signed by the owners of at least 67% of the acre-feet of water allotted
8429 to the land proposed to be withdrawn; or

8430 (c) for a local district funded predominantly by revenues other than property taxes,
8431 service charges, or assessments based upon an allotment of acre-feet of water:

8432 (i) in the same manner as provided in Subsection (1)(a)(iii) or Subsection (1)(a)(iv); or

8433 (ii) by a petition signed by the registered voters residing within the entire area proposed
8434 to be withdrawn, which area shall be comprised of an entire unincorporated area within the
8435 local district or an entire municipality within a local district, or a combination thereof, equal in
8436 number to at least 67% of the number of votes cast within the entire area proposed to be
8437 withdrawn for the office of governor at the last regular general election before the filing of the
8438 petition.

8439 (2) Prior to soliciting any signatures on a petition under Subsection (1), the sponsors of
8440 the petition shall:

8441 (a) notify the local district board with which the petition is intended to be filed that the
8442 sponsors will be soliciting signatures for a petition; and

8443 (b) mail a copy of the petition to the local district board.

8444 Section 180. Section **17B-1-505**, which is renumbered from Section 17B-2-603.5 is
8445 renumbered and amended to read:

8446 ~~[17B-2-603.5].~~ **17B-1-505. Withdrawal of municipality in certain districts**
8447 **providing fire protection, paramedic, and emergency services.**

8448 (1) (a) The process to withdraw an area from a local district may be initiated by a
8449 resolution adopted by the legislative body of a municipality that is entirely within the
8450 boundaries of a local district:

8451 (i) that provides fire protection, paramedic, and emergency services; and

8452 (ii) in the creation of which an election was not required because of Subsection
8453 ~~[17B-2-214]~~ 17B-1-214(3)(c).

8454 (b) Within ten days after adopting a resolution under Subsection (1)(a), the municipal
8455 legislative body shall submit to the board of trustees of the local district written notice of the
8456 adoption of the resolution, accompanied by a copy of the resolution.

8457 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body

8458 shall hold an election at the next municipal general election that is more than 60 days after
8459 adoption of the resolution on the question of whether the municipality should withdraw from
8460 the local district.

8461 (3) If a majority of those voting on the question of withdrawal at an election held under
8462 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local
8463 district.

8464 (4) (a) Within ten days after the canvass of an election at which a withdrawal under this
8465 section is submitted to voters, the municipal legislative body shall send written notice to the
8466 board of the local district from which the municipality is proposed to withdraw.

8467 (b) Each notice under Subsection (4)(a) shall:

8468 (i) state the results of the withdrawal election; and

8469 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal
8470 description of the area to be withdrawn, adequate for purposes of the county assessor and
8471 recorder.

8472 (5) The effective date of a withdrawal under this section is governed by Subsection
8473 [~~17B-2-610~~] 17B-1-512(2)(a).

8474 Section 181. Section **17B-1-506**, which is renumbered from Section 17B-2-604 is
8475 renumbered and amended to read:

8476 [~~17B-2-604~~]. **17B-1-506. Withdrawal petition requirements.**

8477 (1) Each petition under Section [~~17B-2-603~~] 17B-1-504 shall:

8478 (a) indicate the typed or printed name and current address of each owner of acre-feet of
8479 water, property owner, registered voter, or authorized representative of the governing body
8480 signing the petition;

8481 (b) separately group signatures by municipality and, in the case of unincorporated
8482 areas, by county;

8483 (c) if it is a petition signed by the owners of land, the assessment of which is based on
8484 acre-feet of water, indicate the address of the property and the property tax identification parcel
8485 number of the property as to which the owner is signing the request;

8486 (d) designate up to three signers of the petition as sponsors, or in the case of a petition
8487 filed under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv), designate a governmental
8488 representative as a sponsor, and in each case, designate one sponsor as the contact sponsor with
8489 the mailing address and telephone number of each;

8490 (e) state the reasons for withdrawal; and

8491 (f) when the petition is filed with the local district board of trustees, be accompanied by
8492 a map generally depicting the boundaries of the area proposed to be withdrawn and a legal
8493 description of the area proposed to be withdrawn.

8494 (2) (a) The local district may prepare an itemized list of expenses, other than attorney
8495 expenses, that will necessarily be incurred by the local district in the withdrawal proceeding.
8496 The itemized list of expenses may be submitted to the contact sponsor. If the list of expenses is
8497 submitted to the contact sponsor within 21 days after receipt of the petition, the contact sponsor
8498 on behalf of the petitioners shall be required to pay the expenses to the local district within 90
8499 days of receipt. Until funds to cover the expenses are delivered to the local district, the district
8500 will have no obligation to proceed with the withdrawal and the time limits on the district stated
8501 in this part will be tolled. If the expenses are not paid within the 90 days, or within 90 days
8502 from the conclusion of any arbitration under Subsection (2)(b), the petition requesting the
8503 withdrawal shall be considered to have been withdrawn.

8504 (b) If there is no agreement between the board of trustees of the local district and the
8505 contact sponsor on the amount of expenses that will necessarily be incurred by the local district
8506 in the withdrawal proceeding, either the board of trustees or the contact sponsor may submit
8507 the matter to binding arbitration in accordance with Title 78, Chapter 31b, Alternative Dispute
8508 Resolution Act; provided that, if the parties cannot agree upon an arbitrator and the rules and
8509 procedures that will control the arbitration, either party may pursue arbitration under Title 78,
8510 Chapter 31a, Utah Uniform Arbitration Act.

8511 (3) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's
8512 signature at any time before the public hearing under Section [~~17B-2-606~~] 17B-1-508 by
8513 submitting a written withdrawal or reinstatement with the board of trustees of the local district

8514 in which the area proposed to be withdrawn is located.

8515 (4) If it reasonably appears that, if the withdrawal which is the subject of a petition
8516 filed under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary
8517 for a municipality to provide to the withdrawn area the service previously supplied by the local
8518 district, the board of trustees of the local district may, within 21 days after receiving the
8519 petition, notify the contact sponsor in writing that, before it will be considered by the board of
8520 trustees, the petition must be presented to and approved by the governing body of the
8521 municipality as provided in Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv) before it will be
8522 considered by the local district board of trustees. If the notice is timely given to the contact
8523 sponsor, the petition shall be considered to have been withdrawn until the municipality files a
8524 petition with the local district under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv).

8525 (5) (a) After receiving the notice required by Subsection [~~17B-2-603~~] 17B-1-504(2),
8526 unless specifically allowed by law, a public entity may not make expenditures from public
8527 funds to support or oppose the gathering of signatures on a petition for withdrawal.

8528 (b) Nothing in this section prohibits a public entity from providing factual information
8529 and analysis regarding a withdrawal petition to the public, so long as the information grants
8530 equal access to both the opponents and proponents of the petition for withdrawal.

8531 (c) Nothing in this section prohibits a public official from speaking, campaigning,
8532 contributing personal monies, or otherwise exercising the public official's constitutional rights.

8533 Section 182. Section **17B-1-507**, which is renumbered from Section 17B-2-605 is
8534 renumbered and amended to read:

8535 [~~17B-2-605~~]. **17B-1-507. Withdrawal petition certification -- Amended**
8536 **petition.**

8537 (1) Within 30 days after the filing of a petition under Sections [~~17B-2-603~~] 17B-1-504
8538 and [~~17B-2-604~~] 17B-1-506, the board of trustees of the local district in which the area
8539 proposed to be withdrawn is located shall:

8540 (a) with the assistance of officers of the county in which the area proposed to be
8541 withdrawn is located, determine whether the petition meets the requirements of Sections

8542 [~~17B-2-603~~] 17B-1-504 and [~~17B-2-604~~] 17B-1-506; and

8543 (b) (i) if the petition complies with the requirements set forth in Sections [~~17B-2-603~~]
8544 17B-1-504 and [~~17B-2-604~~] 17B-1-506, certify the petition and mail or deliver written
8545 notification of the certification to the contact sponsor; or

8546 (ii) if the petition fails to comply with any of the requirements set forth in Sections
8547 [~~17B-2-603~~] 17B-1-504 and [~~17B-2-604~~] 17B-1-506, reject the petition as insufficient and mail
8548 or deliver written notification of the rejection and the reasons for the rejection to the contact
8549 sponsor.

8550 (2) (a) If the board rejects the petition under Subsection (1)(b)(ii), the petition may be
8551 amended to correct the deficiencies for which it was rejected and then refiled within 60 days
8552 after notice of the rejection.

8553 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
8554 used toward fulfilling the applicable signature requirement for an amended petition refiled
8555 under Subsection (2)(a).

8556 (3) The board of trustees shall process an amended petition refiled under Subsection
8557 (2)(a) in the same manner as an original petition under Subsection (1). If an amended petition
8558 is rejected for failure to comply with the requirements of Sections [~~17B-2-603~~] 17B-1-504 and
8559 [~~17B-2-604~~] 17B-1-506, the board of trustees shall issue a final rejection of the petition for
8560 insufficiency and mail or deliver written notice of the final rejection to the contact sponsor.

8561 (4) (a) A signer of a petition for which there has been a final rejection under Subsection
8562 (3) for insufficiency may seek judicial review of the board of trustees' final decision to reject
8563 the petition as insufficient.

8564 (b) Judicial review under Subsection (4)(a) shall be initiated by filing an action in state
8565 district court in the county in which a majority of the area proposed to be withdrawn is located.

8566 (c) The court in which an action is filed under this Subsection (4) may not overturn the
8567 board of trustees' decision to reject the petition unless the court finds that:

8568 (i) the board of trustees' decision was arbitrary or capricious; or

8569 (ii) the petition materially complies with the requirements set forth in Sections

8570 [~~17B-2-603~~] 17B-1-504 and [~~17B-2-604~~] 17B-1-506.

8571 (d) The court may award costs and expenses of an action under this section, including
8572 reasonable [~~attorney's~~] attorney fees, to the prevailing party.

8573 Section 183. Section **17B-1-508**, which is renumbered from Section 17B-2-606 is
8574 renumbered and amended to read:

8575 [~~17B-2-606~~]. **17B-1-508. Public hearing -- Quorum of board required to**
8576 **be present.**

8577 (1) A public hearing on the proposed withdrawal shall be held by the board of trustees
8578 of a local district that:

8579 (a) certifies a petition under Subsection [~~17B-2-605~~] 17B-1-507(1)(b)(i) unless the
8580 petition was signed by all of the owners of private land within the area proposed to be
8581 withdrawn or all of the registered voters residing within the area proposed to be withdrawn; or

8582 (b) adopts a resolution under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iii).

8583 (2) The public hearing required by Subsection (1) for a petition certified by the board
8584 of trustees of a local district under Subsection [~~17B-2-605~~] 17B-1-507(1)(b)(i), other than a
8585 petition filed in accordance with Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iv), may be held as
8586 an agenda item of a meeting of the board of trustees of the local district without complying
8587 with the requirements of Subsection (3)(b), (3)(c), or Section [~~17B-2-607~~] 17B-1-509.

8588 (3) Except as provided in Subsection (2), the public hearing required by Subsection (1)
8589 shall be held:

8590 (a) no later than 90 days after:

8591 (i) certification of the petition under Subsection [~~17B-2-605~~] 17B-1-507(1)(b)(i); or

8592 (ii) adoption of a resolution under Subsection [~~17B-2-603~~] 17B-1-504(1)(a)(iii);

8593 (b) (i) for a local district located entirely within a single county:

8594 (A) within or as close as practicable to the area proposed to be withdrawn; or

8595 (B) at the local district office; or

8596 (ii) for a local district located in more than one county:

8597 (A) (I) within the county in which the area proposed to be withdrawn is located; and

- 8598 (II) within or as close as practicable to the area proposed to be withdrawn; or
8599 (B) if the local district office is reasonably accessible to all residents within the area
8600 proposed to be annexed, at the local district office;
- 8601 (c) on a weekday evening other than a holiday beginning no earlier than 6:00 p.m.; and
8602 (d) for the purpose of allowing:
- 8603 (i) the public to ask questions and obtain further information about the proposed
8604 withdrawal and issues raised by it; and
8605 (ii) any interested person to address the board of trustees concerning the proposed
8606 withdrawal.

8607 (4) A quorum of the board of trustees of the local district shall be present throughout
8608 the public hearing provided for under this section.

8609 (5) A public hearing under this section may be postponed or continued to a new time,
8610 date, and place without further notice by a resolution of the board of trustees adopted at the
8611 public hearing held at the time, date, and place specified in the published notice; provided,
8612 however, that the public hearing may not be postponed or continued to a date later than 15 days
8613 after the 90-day period under Subsection (3).

8614 Section 184. Section **17B-1-509**, which is renumbered from Section 17B-2-607 is
8615 renumbered and amended to read:

8616 [~~17B-2-607~~]. **17B-1-509. Notice of hearing and withdrawal.**

8617 (1) Unless it is held as an agenda item of a meeting of the board of trustees of a local
8618 district as allowed by Subsection [~~17B-2-606~~] 17B-1-508(2), before holding a public hearing
8619 under Section [~~17B-2-606~~] 17B-1-508, the board of trustees of the local district shall:

8620 (a) mail notice of the public hearing and of the proposed withdrawal to:

8621 (i) if the local district is funded predominantly by revenues from a property tax, each
8622 owner of private real property located within the area proposed to be withdrawn, as shown
8623 upon the county assessment roll last equalized as of the previous December 31;

8624 (ii) if the local district is funded by fees based upon an allotment of acre-feet of water,
8625 each owner of private real property with an allotment of water located within the area proposed

8626 to be withdrawn, as shown upon the district's records; or

8627 (iii) if the local district is not funded predominantly by revenues from a property tax or
8628 fees based upon an allotment of acre-feet of water, each registered voter residing within the
8629 area proposed to be withdrawn, as determined by the voter registration list maintained by the
8630 county clerk as of a date selected by the board of trustees that is at least 20 but not more than
8631 60 days before the public hearing; and

8632 (b) post notice of the public hearing and of the proposed withdrawal in at least four
8633 conspicuous places within the area proposed to be withdrawn, no less than five nor more than
8634 30 days before the public hearing.

8635 (2) Each notice required under Subsection (1) shall:

8636 (a) describe the area proposed to be withdrawn;

8637 (b) identify the local district in which the area proposed to be withdrawn is located;

8638 (c) state the date, time, and location of the public hearing;

8639 (d) state that the petition or resolution may be examined during specified times and at a
8640 specified place in the local district; and

8641 (e) state that any person interested in presenting comments or other information for or
8642 against the petition or resolution may:

8643 (i) prior to the hearing, submit relevant comments and other information in writing to
8644 the board of trustees at a specified address in the local district; or

8645 (ii) at the hearing, present relevant comments and other information in writing and may
8646 also present comments and information orally.

8647 Section 185. Section **17B-1-510**, which is renumbered from Section 17B-2-608 is
8648 renumbered and amended to read:

8649 ~~[17B-2-608]~~. **17B-1-510. Resolution approving or rejecting withdrawal --**
8650 **Criteria for approval or rejection -- Terms and conditions.**

8651 (1) (a) On or before the date of the board meeting next following the public hearing
8652 under Section ~~[17B-2-606]~~ 17B-1-508, but in no case later than 90 days after the public hearing
8653 or, if no hearing is held, within 90 days after the filing of a petition under Section ~~[17B-2-603]~~

8654 17B-1-504, the board of trustees of the local district in which the area proposed to be
8655 withdrawn is located shall adopt a resolution:

8656 (i) approving the withdrawal of some or all of the area from the local district; or
8657 (ii) rejecting the withdrawal.

8658 (b) Each resolution approving a withdrawal shall:

8659 (i) include a legal description of the area proposed to be withdrawn;

8660 (ii) state the effective date of the withdrawal; and

8661 (iii) set forth the terms and conditions under Subsection (5), if any, of the withdrawal.

8662 (c) Each resolution rejecting a withdrawal shall include a detailed explanation of the
8663 board of trustees' reasons for the rejection.

8664 (2) Unless denial of the petition is required under Subsection (3), the board of trustees
8665 shall adopt a resolution approving the withdrawal of some or all of the area from the local
8666 district if the board of trustees determines that:

8667 (a) the area to be withdrawn does not and will not require the service that the local
8668 district provides;

8669 (b) the local district will not be able to provide service to the area to be withdrawn for
8670 the reasonably foreseeable future; or

8671 (c) the area to be withdrawn has obtained the same service that is provided by the local
8672 district or a commitment to provide the same service that is provided by the local district from
8673 another source.

8674 (3) The board of trustees shall adopt a resolution denying the withdrawal if it
8675 determines that the proposed withdrawal would:

8676 (a) result in a breach or default by the local district under:

8677 (i) any of its notes, bonds, or other debt or revenue obligations;

8678 (ii) any of its agreements with entities which have insured, guaranteed, or otherwise
8679 credit-enhanced any debt or revenue obligations of the local district; or

8680 (iii) any of its agreements with the United States or any agency of the United States;
8681 provided, however, that, if the local district has entered into an agreement with the United

8682 States that requires the consent of the United States for a withdrawal of territory from the
8683 district, a withdrawal under this part may occur if the written consent of the United States is
8684 obtained and filed with the board of trustees;

8685 (b) adversely affect the ability of the local district to make any payments or perform
8686 any other material obligations under:

8687 (i) any of its agreements with the United States or any agency of the United States;

8688 (ii) any of its notes, bonds, or other debt or revenue obligations; or

8689 (iii) any of its agreements with entities which have insured, guaranteed, or otherwise
8690 credit-enhanced any debt or revenue obligations of the local district;

8691 (c) result in the reduction or withdrawal of any rating on an outstanding note, bond, or
8692 other debt or revenue obligation of the local district;

8693 (d) create an island or peninsula of nondistrict territory within the local district or of
8694 district territory within nondistrict territory that has a material adverse affect on the local
8695 district's ability to provide service or materially increases the cost of providing service to the
8696 remainder of the local district;

8697 (e) materially impair the operations of the remaining local district; or

8698 (f) require the local district to materially increase the fees it charges or property taxes
8699 or other taxes it levies in order to provide to the remainder of the district the same level and
8700 quality of service that was provided before the withdrawal.

8701 (4) In determining whether the withdrawal would have any of the results described in
8702 Subsection (3), the board of trustees may consider the cumulative impact that multiple
8703 withdrawals over a specified period of time would have on the local district.

8704 (5) (a) Despite the presence of one or more of the conditions listed in Subsection (3),
8705 the board of trustees may approve a resolution withdrawing an area from the local district
8706 imposing terms or conditions that mitigate or eliminate the conditions listed in Subsection (3),
8707 including:

8708 (i) a requirement that the owners of property located within the area proposed to be
8709 withdrawn or residents within that area pay their proportionate share of any outstanding district

8710 bond or other obligation as determined pursuant to Subsection (5)(b);

8711 (ii) a requirement that the owners of property located within the area proposed to be
8712 withdrawn or residents within that area make one or more payments in lieu of taxes, fees, or
8713 assessments;

8714 (iii) a requirement that the board of trustees and the receiving entity agree to reasonable
8715 payment and other terms in accordance with Subsections (5)(f) through (g) regarding the
8716 transfer to the receiving entity of district assets that the district used before withdrawal to
8717 provide service to the withdrawn area but no longer needs because of the withdrawal; provided
8718 that, if those district assets are allocated in accordance with Subsections (5)(f) through (g), the
8719 district shall immediately transfer to the receiving entity on the effective date of the
8720 withdrawal, all title to and possession of district assets allocated to the receiving entity; or

8721 (iv) any other reasonable requirement considered to be necessary by the board of
8722 trustees.

8723 (b) Other than as provided for in Subsection [~~17B-2-609~~] 17B-1-511(2), and except as
8724 provided in Subsection (5)(e), in determining the proportionate share of outstanding bonded
8725 indebtedness or other obligations under Subsection (5)(a)(i) and for purposes of determining
8726 the allocation and transfer of district assets under Subsection (5)(a)(iii), the board of trustees
8727 and the receiving entity, or in cases where there is no receiving entity, the board and the
8728 sponsors of the petition shall:

8729 (i) engage engineering and accounting consultants chosen by the procedure provided in
8730 Subsection (5)(d); provided however, that if the withdrawn area is not receiving service, an
8731 engineering consultant need not be engaged; and

8732 (ii) require the engineering and accounting consultants engaged under Subsection
8733 (5)(b)(i) to communicate in writing to the board of trustees and the receiving entity, or in cases
8734 where there is no receiving entity, the board and the sponsors of the petition the information
8735 required by Subsections (5)(f) through (h).

8736 (c) For purposes of this Subsection (5):

8737 (i) "accounting consultant" means a certified public accountant or a firm of certified

8738 public accountants with the expertise necessary to make the determinations required under
8739 Subsection (5)(h); and

8740 (ii) "engineering consultant" means a person or firm that has the expertise in the
8741 engineering aspects of the type of system by which the withdrawn area is receiving service that
8742 is necessary to make the determination required under Subsections (5)(f) and (g).

8743 (d) (i) Unless the board of trustees and the receiving entity, or in cases where there is
8744 no receiving entity, the board and the sponsors of the petition agree on an engineering
8745 consultant and an accounting consultant, each consultant shall be chosen from a list of
8746 consultants provided by the Consulting Engineers Council of Utah and the Utah Association of
8747 Certified Public Accountants, respectively, as provided in this Subsection (5)(d).

8748 (ii) A list under Subsection (5)(d)(i) may not include a consultant who has had a
8749 contract for services with the district or the receiving entity during the two-year period
8750 immediately before the list is provided to the local district.

8751 (iii) Within 20 days of receiving the lists described in Subsection (5)(d)(i), the board of
8752 trustees shall eliminate the name of one engineering consultant from the list of engineering
8753 consultants and the name of one accounting consultant from the list of accounting consultants
8754 and shall notify the receiving entity, or in cases where there is no receiving entity, the sponsors
8755 of the petition in writing of the eliminations.

8756 (iv) Within three days of receiving notification under Subsection (5)(d), the receiving
8757 entity, or in cases where there is no receiving entity, the sponsors of the petition shall eliminate
8758 another name of an engineering consultant from the list of engineering consultants and another
8759 name of an accounting consultant from the list of accounting consultants and shall notify the
8760 board of trustees in writing of the eliminations.

8761 (v) The board of trustees and the receiving entity, or in cases where there is no
8762 receiving entity, the board and the sponsors of the petition shall continue to alternate between
8763 them, each eliminating the name of one engineering consultant from the list of engineering
8764 consultants and the name of one accounting consultant from the list of accounting consultants
8765 and providing written notification of the eliminations within three days of receiving

8766 notification of the previous notification, until the name of only one engineering consultant
8767 remains on the list of engineering consultants and the name of only one accounting consultant
8768 remains on the list of accounting consultants.

8769 (e) The requirement under Subsection (5)(b) to engage engineering and accounting
8770 consultants does not apply if the board of trustees and the receiving entity, or in cases where
8771 there is no receiving entity, the board and the sponsors of the petition agree on the allocations
8772 that are the engineering consultant's responsibility under Subsection (5)(f) or the
8773 determinations that are the accounting consultant's responsibility under Subsection (5)(h);
8774 provided however, that if engineering and accounting consultants are engaged, the district and
8775 the receiving entity, or in cases where there is no receiving entity, the district and the sponsors
8776 of the petition shall equally share the cost of the engineering and accounting consultants.

8777 (f) (i) The engineering consultant shall allocate the district assets between the district
8778 and the receiving entity as provided in this Subsection (5)(f).

8779 (ii) The engineering consultant shall allocate:

8780 (A) to the district those assets reasonably needed by the district to provide to the area
8781 of the district remaining after withdrawal the kind, level, and quality of service that was
8782 provided before withdrawal; and

8783 (B) to the receiving entity those assets reasonably needed by the receiving entity to
8784 provide to the withdrawn area the kind and quality of service that was provided before
8785 withdrawal.

8786 (iii) If the engineering consultant determines that both the local district and the
8787 receiving entity reasonably need a district asset to provide to their respective areas the kind and
8788 quality of service provided before withdrawal, the engineering consultant shall:

8789 (A) allocate the asset between the local district and the receiving entity according to
8790 their relative needs, if the asset is reasonably susceptible of division; or

8791 (B) allocate the asset to the local district, if the asset is not reasonably susceptible of
8792 division.

8793 (g) All district assets remaining after application of Subsection (5)(f) shall be allocated

8794 to the local district.

8795 (h) (i) The accounting consultant shall determine the withdrawn area's proportionate
8796 share of any redemption premium and the principal of and interest on:

8797 (A) the local district's revenue bonds that were outstanding at the time the petition was
8798 filed;

8799 (B) the local district's general obligation bonds that were outstanding at the time the
8800 petition was filed; and

8801 (C) the local district's general obligation bonds that:

8802 (I) were outstanding at the time the petition was filed; and

8803 (II) are treated as revenue bonds under Subsection (5)(i); and

8804 (D) the district's bonds that were issued prior to the date the petition was filed to refund
8805 the district's revenue bonds, general obligation bonds, or general obligation bonds treated as
8806 revenue bonds.

8807 (ii) For purposes of Subsection (5)(h)(i), the withdrawn area's proportionate share of
8808 redemption premium, principal, and interest shall be the amount that bears the same
8809 relationship to the total redemption premium, principal, and interest for the entire district that
8810 the average annual gross revenues from the withdrawn area during the three most recent
8811 complete fiscal years before the filing of the petition bears to the average annual gross revenues
8812 from the entire district for the same period.

8813 (i) For purposes of Subsection (5)(h)(i), a district general obligation bond shall be
8814 treated as a revenue bond if:

8815 (i) the bond is outstanding on the date the petition was filed; and

8816 (ii) the principal of and interest on the bond, as of the date the petition was filed, had
8817 been paid entirely from local district revenues and not from a levy of ad valorem tax.

8818 (j) (i) Before the board of trustees of the local district files a resolution approving a
8819 withdrawal, the receiving entity, or in cases where there is no receiving entity, the sponsors of
8820 the petition shall irrevocably deposit government obligations, as defined in Subsection
8821 11-27-2(6), into an escrow trust fund the principal of and interest on which are sufficient to

8822 provide for the timely payment of the amount determined by the accounting consultant under
8823 Subsection (5)(h) or in an amount mutually agreeable to the board of trustees of the local
8824 district and the receiving entity, or in cases where there is no receiving entity, the board and the
8825 sponsors of the petition. Notwithstanding Subsection [~~17B-2-610~~] 17B-1-512(1), the board of
8826 trustees shall not be required to file a resolution approving a withdrawal until the requirements
8827 for establishing and funding an escrow trust fund in this Subsection (5)(j)(i) have been met;
8828 provided that, if the escrow trust fund has not been established and funded within 180 days
8829 after the board of trustees passes a resolution approving a withdrawal, the resolution approving
8830 the withdrawal shall be void.

8831 (ii) Concurrently with the creation of the escrow, the receiving entity, or in cases where
8832 there is no receiving entity, the sponsors of the petition shall provide to the board of trustees of
8833 the local district:

8834 (A) a written opinion of an attorney experienced in the tax-exempt status of municipal
8835 bonds stating that the establishment and use of the escrow to pay the proportionate share of the
8836 district's outstanding revenue bonds and general obligation bonds that are treated as revenue
8837 bonds will not adversely affect the tax-exempt status of the bonds; and

8838 (B) a written opinion of an independent certified public accountant verifying that the
8839 principal of and interest on the deposited government obligations are sufficient to provide for
8840 the payment of the withdrawn area's proportionate share of the bonds as provided in Subsection
8841 (5)(h).

8842 (iii) The receiving entity, or in cases where there is no receiving entity, the sponsors of
8843 the petition shall bear all expenses of the escrow and the redemption of the bonds.

8844 (iv) The receiving entity may issue bonds under Title 11, Chapter 14, Local
8845 Government Bonding Act, and Title 11, Chapter 27, Utah Refunding Bond Act, to fund the
8846 escrow.

8847 (6) A requirement imposed by the board of trustees as a condition to withdrawal under
8848 Subsection (5) shall, in addition to being expressed in the resolution, be reduced to a duly
8849 authorized and executed written agreement between the parties to the withdrawal.

8850 (7) An area that is the subject of a withdrawal petition under Section [~~17B-2-603~~]
8851 17B-1-504 that results in a board of trustees resolution denying the proposed withdrawal may
8852 not be the subject of another withdrawal petition under Section [~~17B-2-603~~] 17B-1-504 for two
8853 years after the date of the board of trustees resolution denying the withdrawal.

8854 Section 186. Section **17B-1-511**, which is renumbered from Section 17B-2-609 is
8855 renumbered and amended to read:

8856 [~~17B-2-609~~]. **17B-1-511**. **Continuation of tax levy after withdrawal to pay**
8857 **for proportionate share of district bonds.**

8858 (1) Other than as provided in Subsection (2), and unless an escrow trust fund is
8859 established and funded pursuant to Subsection [~~17B-2-608~~] 17B-1-510(5)(j), property within
8860 the withdrawn area shall continue after withdrawal to be subject to a tax by the local district:

8861 (a) for the purpose of paying the withdrawn area's just proportion of the local district's
8862 general obligation bonds, other than those bonds treated as revenue bonds under Subsection
8863 [~~17B-2-608~~] 17B-1-510(5)(i), until the bonded indebtedness has been satisfied; and

8864 (b) to the extent and for the years necessary to generate sufficient revenue that, when
8865 combined with the revenues from the district remaining after withdrawal, is sufficient to
8866 provide for the payment of principal and interest on the district's general obligation bonds that
8867 are treated as revenue bonds under Subsection [~~17B-2-608~~] 17B-1-510(5)(i).

8868 (2) For a local district funded predominately by revenues other than property taxes,
8869 service charges, or assessments based upon an allotment of acre-feet of water, taxes within the
8870 withdrawn area shall continue to be collected for purposes of paying the withdrawn area's
8871 proportionate share of bonded indebtedness or judgments against the local district incurred
8872 prior to the date the petition was filed.

8873 (3) Except as provided in Subsections (1) and (2), upon withdrawal, the withdrawing
8874 area is relieved of all other taxes, assessments, and charges levied by the district, including
8875 taxes and charges for the payment of revenue bonds and maintenance and operation cost of the
8876 local district.

8877 Section 187. Section **17B-1-512**, which is renumbered from Section 17B-2-610 is

8878 renumbered and amended to read:

8879 ~~[17B-2-610]~~. **17B-1-512**. **Notice of withdrawal -- Contest period -- Judicial**
8880 **review.**

8881 (1) (a) The board of trustees shall file a written notice of withdrawal with the lieutenant
8882 governor:

8883 (i) within ten days after adopting a resolution approving a withdrawal under Section
8884 ~~[17B-2-608]~~ 17B-1-510; and

8885 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an
8886 automatic withdrawal under Subsection ~~[17B-2-601]~~ 17B-1-502(2), after receiving a copy of
8887 the municipal legislative body's resolution approving an automatic withdrawal under
8888 Subsection ~~[17B-2-601]~~ 17B-1-502(3)(a), or after receiving notice of a withdrawal of a
8889 municipality from a local district under Section ~~[17B-2-603.5]~~ 17B-2-505.

8890 (b) The notice required under Subsection (1)(a) shall:

8891 (i) be accompanied by:

8892 (A) for a withdrawal pursuant to a resolution adopted under Section ~~[17B-2-608]~~
8893 17B-1-510, a copy of the board resolution approving the withdrawal; and

8894 (B) an accurate map depicting the boundaries of the withdrawn area or a legal
8895 description of the withdrawn area, adequate for purposes of the county assessor and recorder;
8896 and

8897 (ii) for a withdrawal pursuant to a resolution adopted under Section ~~[17B-2-608]~~
8898 17B-1-510, include a certification by the local district board that all requirements for the
8899 withdrawal have been complied with.

8900 (2) (a) Upon the lieutenant governor's issuance of the certificate of boundary change
8901 under Section 67-1a-6.5 for a withdrawal under Section ~~[17B-2-608]~~ 17B-1-510, for an
8902 automatic withdrawal under Subsection ~~[17B-2-601]~~ 17B-1-502(3), or for the withdrawal of a
8903 municipality from a local district under Section ~~[17B-2-603.5]~~ 17B-2-505, the withdrawal shall
8904 be effective, subject to the conditions of the withdrawal resolution, if applicable.

8905 (b) An automatic withdrawal under Subsection ~~[17B-2-601(2)]~~ 17B-1-502(3) shall be

8906 effective upon the lieutenant governor's issuance of a certificate of boundary change under
8907 Section 67-1a-6.5.

8908 (3) The local district may provide for the publication of any resolution approving or
8909 denying the withdrawal of an area in a newspaper of general circulation in the area proposed
8910 for withdrawal. In lieu of publishing the entire resolution, the local district may publish a
8911 notice of withdrawal or denial of withdrawal, containing:

8912 (a) the name of the local district;

8913 (b) a description of the area proposed for withdrawal;

8914 (c) a brief explanation of the grounds on which the board of trustees determined to
8915 approve or deny the withdrawal; and

8916 (d) the times and place where a copy of the resolution may be examined, which shall be
8917 at the place of business of the local district, identified in the notice, during regular business
8918 hours of the local district as described in the notice and for a period of at least 30 days after the
8919 publication of the notice.

8920 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
8921 deny a withdrawal of an area from the local district by submitting a request, within 60 days
8922 after the resolution is adopted under Section [~~17B-2-608~~] 17B-1-510, to the board of trustees,
8923 suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of
8924 trustees based its decision to deny the withdrawal.

8925 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
8926 trustees, the board may consider the suggestions for mitigation and adopt a resolution
8927 approving or denying the request in the same manner as provided in Section [~~17B-2-608~~]
8928 17B-1-510 with respect to the original resolution denying the withdrawal and file a notice of
8929 the action as provided in Subsection (1).

8930 (6) (a) Any person in interest may seek judicial review of:

8931 (i) the board of trustees' decision to withdraw an area from the local district;

8932 (ii) the terms and conditions of a withdrawal; or

8933 (iii) the board's decision to deny a withdrawal.

8934 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the
8935 district court in the county in which a majority of the area proposed to be withdrawn is located:

8936 (i) if the resolution approving or denying the withdrawal is published under Subsection
8937 (3), within 60 days after the publication or after the board of trustees' denial of the request
8938 under Subsection (5);

8939 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
8940 the resolution approving or denying the withdrawal is adopted; or

8941 (iii) if a request is submitted to the board of trustees of a local district under Subsection
8942 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board
8943 adopts a resolution under Subsection (5) unless the resolution is published under Subsection
8944 (3), in which event the action must be filed within 60 days after the publication.

8945 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
8946 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

8947 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

8948 (ii) the court finds that the board materially failed to follow the procedures set forth in
8949 this part.

8950 (d) A court may award costs and expenses of an action under this section, including
8951 reasonable ~~[attorney's]~~ attorney fees, to the prevailing party.

8952 (7) After the applicable contest period under Subsection (4) or (6), no person may
8953 contest the board of trustees' approval or denial of withdrawal for any cause.

8954 Section 188. Section **17B-1-513**, which is renumbered from Section 17B-2-611 is
8955 renumbered and amended to read:

8956 ~~[17B-2-611]~~. **17B-1-513. Termination of terms of trustees representing**
8957 **withdrawn areas.**

8958 (1) On the effective date of withdrawal of an area from a local district, any trustee
8959 residing in the withdrawn area shall cease to be a member of the board of trustees of the local
8960 district.

8961 (2) If the local district has been divided into divisions for the purpose of electing or

8962 appointing trustees and the area withdrawn from a district constitutes all or substantially all of
8963 the area in a division of the local district that is represented by a member of the board of
8964 trustees, on the effective date of the withdrawal, the trustee representing the division shall
8965 cease to be a member of the board of trustees of the local district.

8966 (3) In the event of a vacancy on the board of trustees as a result of an area being
8967 withdrawn from the local district:

8968 (a) the board of trustees shall reduce the number of trustees of the local district as
8969 provided by law; or

8970 (b) the trustee vacancy shall be filled as provided by law.

8971 Section 189. Section **17B-1-601**, which is renumbered from Section 17A-1-404 is
8972 renumbered and amended to read:

8973 **Part 6. Fiscal Procedures for Local Districts**

8974 ~~[17A-1-404]~~. **17B-1-601. Definitions.**

8975 As used in this part:

8976 (1) "Appropriation" means an allocation of money by the ~~[governing body]~~ board of
8977 trustees for a specific purpose.

8978 (2) "Budget" means a plan of financial operations for a fiscal year which embodies
8979 estimates of proposed expenditures for given purposes and the proposed means of financing
8980 them, and may refer to the budget of a particular fund for which a budget is required by law or
8981 it may refer collectively to the budgets for all such funds.

8982 (3) "Budget officer" means the person appointed by the ~~[governing body of the]~~ local
8983 district board of trustees to prepare the budget for the district.

8984 (4) "Budget year" means the fiscal year for which a budget is prepared.

8985 (5) "Calendar year entity" means a ~~[special]~~ local district whose fiscal year begins
8986 January 1 and ends December 31 of each calendar year as described in Section ~~[17A-1-405]~~
8987 17B-1-602.

8988 (6) "Current year" means the fiscal year in which a budget is prepared and adopted,
8989 which is the fiscal year next preceding the budget year.

8990 (7) "Deficit" has the meaning given under generally accepted accounting principles as
8991 reflected in the Uniform Accounting Manual for Local Districts.

8992 ~~[(7)]~~ (8) "Estimated revenue" means the amount of revenue estimated to be received
8993 from all sources during the budget year in each fund for which a budget is being prepared.

8994 ~~[(8)]~~ (9) "Financial officer" means the official under Section ~~[17A-1-447]~~ 17B-1-642.

8995 ~~[(9)]~~ (10) "Fiscal year" means the annual period for accounting for fiscal operations in
8996 each district.

8997 ~~[(10)]~~ (11) "Fiscal year entity" means a local district whose fiscal year begins July 1 of
8998 each year and ends on June 30 of the following year as described in Section ~~[17A-1-405]~~
8999 17B-1-602.

9000 ~~[(11)]~~ (12) "Fund" has the meaning given under generally accepted accounting
9001 principles as reflected in the Uniform Accounting Manual for ~~[Special]~~ Local Districts.

9002 ~~[(12)]~~ (13) "Fund balance[;]" ~~["retained earnings," and "deficit" have]~~ has the meaning
9003 given under generally accepted accounting principles as reflected in the Uniform Accounting
9004 Manual for ~~[Special]~~ Local Districts.

9005 ~~[(13)]~~ "~~Governing body~~" means the governing board of trustees, board of directors, or
9006 ~~other administrative body, whether appointed or elected, and having authority under the laws~~
9007 ~~specifically governing the respective district.]~~

9008 (14) "Governmental funds" means the general fund, special revenue fund, debt service
9009 fund, and capital projects fund of a local district.

9010 (15) "Interfund loan" means a loan of cash from one fund to another, subject to future
9011 repayment. It does not constitute an expenditure or a use of retained earnings or fund balance
9012 of the lending fund or revenue to the borrowing fund.

9013 (16) "Last completed fiscal year" means the fiscal year next preceding the current fiscal
9014 year.

9015 (17) "Proprietary funds" means enterprise funds and the internal service funds of a
9016 local district.

9017 (18) "Public funds" means any money or payment collected or received by an officer or

9018 employee of ~~[the]~~ a local district acting in an official capacity and includes money or payment
9019 to the officer or employee for services or goods provided by the district, or the officer or
9020 employee while acting within the scope of employment or duty.

9021 ~~[(19) "Special district" means any district formed under the laws of the state including,~~
9022 ~~but not limited to:]~~

9023 ~~[(a) cemetery maintenance districts;]~~

9024 ~~[(b) municipal improvement districts;]~~

9025 ~~[(c) special service districts and special service improvement districts;]~~

9026 ~~[(d) county water and sewer improvement districts;]~~

9027 ~~[(e) county improvement districts;]~~

9028 ~~[(f) fire protection districts;]~~

9029 ~~[(g) county service areas;]~~

9030 ~~[(h) county planetariums;]~~

9031 ~~[(i) county zoos;]~~

9032 ~~[(j) mosquito abatement districts;]~~

9033 ~~[(k) metropolitan water districts;]~~

9034 ~~[(l) water conservancy districts;]~~

9035 ~~[(m) irrigation districts;]~~

9036 ~~[(n) drainage districts; and]~~

9037 ~~[(o) all other political subdivisions of the state with the authority to tax or to expend~~
9038 ~~public funds or which receive tax exempt status for bonding or taxing purposes, except~~
9039 ~~counties, cities, towns, and school districts but does not include those specified under Section~~
9040 ~~17A-1-403.]~~

9041 (19) "Retained earnings" has the meaning given under generally accepted accounting
9042 principles as reflected in the Uniform Accounting Manual for Local Districts.

9043 (20) "Special fund" means any local district fund other than the ~~[General Fund]~~ local
9044 district's general fund.

9045 Section 190. Section **17B-1-602**, which is renumbered from Section 17A-1-405 is

9046 renumbered and amended to read:

9047 ~~[17A-1-405].~~ **17B-1-602. Fiscal year.**

9048 ~~[All special districts shall adopt the budgeting and reporting fiscal year of the entity~~
9049 ~~creating the district, with the exception of water conservancy districts created under Chapter 2,~~
9050 ~~Part 14. Exceptions may be granted by the state auditor with the approval of the special district~~
9051 ~~advisory committee when the operations of a district may be impaired by this requirement.]~~

9052 The fiscal year of each local district shall be, as determined by the board of trustees:

9053 (1) the calendar year; or

9054 (2) the period from July 1 to the following June 30.

9055 Section 191. Section **17B-1-603**, which is renumbered from Section 17A-1-406 is
9056 renumbered and amended to read:

9057 ~~[17A-1-406].~~ **17B-1-603. Uniform accounting system.**

9058 The accounting records of ~~[districts]~~ each local district shall be established and
9059 maintained, and financial statements prepared from those records, in conformance with
9060 generally accepted accounting principles promulgated from time to time by authoritative bodies
9061 in the United States. ~~[The state auditor shall prescribe in the Uniform Accounting Manual for~~
9062 ~~Special Districts a uniform system of accounting that conforms to generally accepted~~
9063 ~~accounting principles. The state auditor shall maintain the manual so that it reflects generally~~
9064 ~~accepted accounting principles.]~~

9065 Section 192. Section **17B-1-604**, which is renumbered from Section 17A-1-407 is
9066 renumbered and amended to read:

9067 ~~[17A-1-407].~~ **17B-1-604. Funds and account groups maintained.**

9068 Each district shall maintain, according to its own accounting needs, some or all of the
9069 funds and account groups in its system of accounts, as prescribed in the Uniform Accounting
9070 Manual for ~~[Special]~~ Local Districts.

9071 Section 193. Section **17B-1-605**, which is renumbered from Section 17A-1-408 is
9072 renumbered and amended to read:

9073 ~~[17A-1-408].~~ **17B-1-605. Budget required for certain funds -- Capital**

9074 **projects fund.**

9075 (1) The budget officer of each local district shall prepare for each budget year a budget
9076 for each of the following funds:

- 9077 (a) the general fund;
- 9078 (b) special revenue funds;
- 9079 (c) debt service funds;
- 9080 (d) capital projects funds;
- 9081 (e) proprietary funds, in accordance with Section [~~17A-1-432~~] 17B-1-629; and
- 9082 (f) any other fund or funds for which a budget is required by the uniform system of
9083 budgeting, accounting, and reporting.

9084 (2) (a) Major capital improvements financed by general obligation bonds, capital
9085 grants, or interfund transfers shall use a capital projects fund budget unless the improvements
9086 financed are to be used for proprietary type activities.

9087 (b) The local district shall prepare a separate budget for the term of the projects as well
9088 as the annual budget required under Subsection (1).

9089 Section 194. Section **17B-1-606**, which is renumbered from Section 17A-1-409 is
9090 renumbered and amended to read:

9091 ~~[17A-1-409].~~ **17B-1-606. Total of revenues to equal expenditures.**

9092 (1) The budget for each fund under Section [~~17A-1-408~~] 17B-1-605 shall provide a
9093 financial plan for the budget year.

9094 (2) Each budget shall specify in tabular form:

9095 (a) estimates of all anticipated revenues, classified by the account titles prescribed in
9096 the Uniform Accounting Manual for [~~Special~~] Local Districts; and

9097 (b) all appropriations for expenditures, classified by the account titles prescribed in the
9098 Uniform Accounting Manual for [~~Special~~] Local Districts.

9099 [~~(2)~~] (3) The total of the anticipated revenues shall equal the total of appropriated
9100 expenditures.

9101 Section 195. Section **17B-1-607**, which is renumbered from Section 17A-1-410 is

9102 renumbered and amended to read:

9103 ~~[17A-1-410].~~ **17B-1-607.** **Tentative budget to be prepared -- Review by**
 9104 **governing body.**

9105 (1) On or before the first regularly scheduled meeting of the ~~[governing body]~~ board of
 9106 trustees in November for a calendar year entity and May for a fiscal year entity, the budget
 9107 officer of each local district shall prepare for the ensuing year, on forms provided by the state
 9108 auditor, and file with the ~~[governing body,]~~ board of trustees a tentative budget for each fund
 9109 for which a budget is required. ~~[The]~~

9110 (2) (a) Each tentative budget ~~[for the fund]~~ under Subsection (1) shall provide in
 9111 tabular form:

9112 ~~[(a)]~~ (i) actual revenues and expenditures for the last completed fiscal year;
 9113 ~~[(b)]~~ (ii) estimated total revenues and expenditures for the current fiscal year; and
 9114 ~~[(c)]~~ (iii) the budget officer's estimates of revenues and expenditures for the budget
 9115 year.

9116 (b) The budget officer shall estimate the amount of revenue available to serve the needs
 9117 of each fund, estimate the portion to be derived from all sources other than general property
 9118 taxes, and estimate the portion that must be derived from general property taxes.

9119 ~~[(2)]~~ (3) The tentative budget, when filed by the budget officer with the ~~[governing~~
 9120 ~~body]~~ board of trustees, shall contain the estimates of expenditures together with specific work
 9121 programs and any other supporting data required by this part or requested by the ~~[governing~~
 9122 ~~body]~~ board.

9123 ~~[(3)]~~ (4) The ~~[tentative budget shall be reviewed, considered, and tentatively adopted~~
 9124 ~~by the governing body]~~ board of trustees shall review, consider, and tentatively adopt the
 9125 tentative budget in any regular meeting or special meeting called for that purpose and may ~~[be~~
 9126 ~~amended or revised]~~ amend or revise the tentative budget in any manner ~~[which is considered]~~
 9127 that the board considers advisable prior to public hearings, but no appropriation required for
 9128 debt retirement and interest or reduction of any existing deficits under Section ~~[17A-1-416]~~
 9129 17B-1-613, or otherwise required by law, may be reduced below the minimums so required.

9130 [~~(4)~~] (5) When a new district is created, the [~~governing body~~] board of trustees shall:

9131 (a) prepare a budget covering the period from the date of incorporation to the end of
9132 the fiscal year[~~. The governing body shall~~];

9133 (b) substantially comply with all other provisions of this part with respect to notices
9134 and hearings[~~;~~]; and

9135 (c) pass the budget [~~shall be passed upon~~] as soon after incorporation as feasible.

9136 Section 196. Section **17B-1-608**, which is renumbered from Section 17A-1-411 is
9137 renumbered and amended to read:

9138 [~~17A-1-411~~]. **17B-1-608. Tentative budget and data -- Public records.**

9139 The tentative budget adopted by the [~~governing body~~] board of trustees and all
9140 supporting schedules and data are public records, and are available for public inspection for a
9141 period of at least seven days prior to the adoption of a final budget.

9142 Section 197. Section **17B-1-609**, which is renumbered from Section 17A-1-412 is
9143 renumbered and amended to read:

9144 [~~17A-1-412~~]. **17B-1-609. Hearing to consider adoption.**

9145 (1) At the meeting at which the tentative budget is adopted, the [~~governing body~~] board
9146 of trustees shall:

9147 (a) establish the time and place of a public hearing to consider its adoption; and [~~shall~~]

9148 (b) order that notice of the hearing;

9149 (i) be published at least seven days prior to the hearing in at least one issue of a
9150 newspaper of general circulation published in the county or counties in which the district is
9151 located[~~. If~~]; or

9152 (ii) if no newspaper is published, [~~the notice required by this section may~~] be posted in
9153 three public places within the district.

9154 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
9155 shall be published in accordance with Sections 59-2-918 and 59-2-919.

9156 Section 198. Section **17B-1-610**, which is renumbered from Section 17A-1-413 is
9157 renumbered and amended to read:

9158 ~~[17A-1-413].~~ **17B-1-610. Public hearing on tentatively adopted budget.**

9159 At the time and place advertised, or at any time or any place to which the public hearing
9160 may be adjourned, the ~~[governing body]~~ board of trustees shall:

9161 (1) hold a public hearing on the budgets tentatively adopted~~[-At];~~ and

9162 (2) give all interested persons in attendance ~~[shall be given]~~ an opportunity to be heard
9163 on the estimates of revenues and expenditures or any item in the tentative budget of any fund.

9164 Section 199. Section **17B-1-611**, which is renumbered from Section 17A-1-414 is
9165 renumbered and amended to read:

9166 ~~[17A-1-414].~~ **17B-1-611. Continuing authority of governing body.**

9167 After the conclusion of the public hearing, the ~~[governing body]~~ board of trustees:

9168 (1) may:

9169 (a) continue to review the tentative budget ~~[and may]~~;

9170 (b) insert any new items~~[-];~~ or ~~[may]~~

9171 (c) increase or decrease items of expenditure~~[-];~~ that were the proper subject of
9172 consideration at the public hearing~~[-, but there]~~;

9173 (2) may ~~[be no]~~ not decrease ~~[in]~~ the amount appropriated for debt retirement and
9174 interest or reduction of any existing deficits, as provided by Section ~~[17A-1-416. It]~~

9175 17B-1-613; and

9176 (3) shall ~~[also]~~ increase or decrease the total anticipated revenue to equal the net
9177 change in proposed expenditures in the budget of each fund.

9178 Section 200. Section **17B-1-612**, which is renumbered from Section 17A-1-415 is
9179 renumbered and amended to read:

9180 ~~[17A-1-415].~~ **17B-1-612. Accumulated fund balances -- Limitations --**

9181 **Excess balances -- Unanticipated excess of revenues -- Reserves for capital projects.**

9182 (1) (a) ~~[Districts are permitted to]~~ A local district may accumulate retained earnings or
9183 fund balances, as appropriate, in any fund.

9184 (b) For the general fund only, ~~[any]~~ an accumulated fund balance ~~[is restricted to the~~
9185 ~~following purposes]~~ may be used only:

9186 ~~[(a)]~~ (i) to provide working capital to finance expenditures from the beginning of the
 9187 budget year until general property taxes or other applicable revenues are collected~~[-, thus~~
 9188 ~~reducing the amount which the district must borrow during the period, but this Subsection does~~
 9189 ~~not permit the appropriation of any fund balance for budgeting purposes except as provided in~~
 9190 ~~Subsection (4)], subject to Subsection (1)(c);~~

9191 ~~[(b)]~~ (ii) to provide a resource to meet emergency expenditures under Section
 9192 ~~[17A-1-426]~~ 17B-1-623; and

9193 ~~[(c)]~~ (iii) to cover a pending year-end excess of expenditures over revenues from an
 9194 unavoidable shortfall in revenues~~[-. This provision does not permit the appropriation of any],~~
 9195 subject to Subsection (1)(d).

9196 (c) Subsection (1)(b)(i) may not be construed to authorize a local district to appropriate
 9197 a fund balance for budgeting purposes, except as provided in Subsection (4).

9198 (d) Subsection (1)(b)(iii) may not be construed to authorize a local district to
 9199 appropriate a fund balance to avoid an operating deficit during [any] a budget year except:

9200 (i) as provided under Subsection (4)[;]; or

9201 (ii) for emergency purposes under Section [17A-1-426] 17B-1-623.

9202 (2) The accumulation of a fund balance in the general fund may not exceed the greater
 9203 of:

9204 (a) 100% of the current year's property tax; or

9205 (b) (i) 25% of the total general fund revenues for ~~[districts]~~ a district with an annual
 9206 general fund [budgets] budget greater than \$100,000; or

9207 (ii) 50% of the total general fund revenues for ~~[districts]~~ a district with an annual
 9208 general fund [budgets] budget equal to or less than \$100,000.

9209 (3) If the fund balance at the close of any fiscal year exceeds the amount permitted
 9210 under Subsection (2), the district shall appropriate the excess ~~[shall be appropriated]~~ in the
 9211 manner provided in Section ~~[17A-1-416]~~ 17B-1-613.

9212 (4) Any fund balance in excess of 5% of the total revenues of the general fund may be
 9213 utilized for budget purposes.

9214 (5) (a) Within a capital projects fund the ~~[governing body]~~ board of trustees may, in
 9215 any budget year, appropriate from estimated revenue or fund balance to a reserve for capital
 9216 projects for the purpose of financing future specific capital projects, including new
 9217 construction, capital repairs, replacement, and maintenance, under a formal long-range capital
 9218 plan adopted by the ~~[governing body]~~ board of trustees.

9219 (b) ~~[The reserves may]~~ A local district may allow a reserve amount under Subsection
 9220 (5)(a) to accumulate from year to year until the accumulated total is sufficient to permit
 9221 economical expenditure for the specified purposes.

9222 (c) ~~[Disbursements from these reserves shall be made]~~ A local district may disburse
 9223 from a reserve account under Subsection (5)(a) only by a budget appropriation adopted in the
 9224 manner provided by this part.

9225 (d) Expenditures from the above appropriation budget accounts shall conform to all
 9226 requirements of this part relating to execution and control of budgets.

9227 Section 201. Section **17B-1-613**, which is renumbered from Section 17A-1-416 is
 9228 renumbered and amended to read:

9229 ~~[17A-1-416].~~ **17B-1-613. Appropriations not to exceed estimated**
 9230 **expendable revenue -- Determination of revenue -- Appropriations for existing deficits.**

9231 (1) The ~~[governing body of any]~~ board of trustees of a local district may not make any
 9232 appropriation in the final budget of any fund in excess of the estimated expendable revenue for
 9233 the budget year of the fund.

9234 (2) In determining the estimated expendable revenue of the general fund for the budget
 9235 year there is included as an appropriation from the fund balance that portion of the fund
 9236 balance at the close of the last completed fiscal year, not previously included in the budget of
 9237 the current year, that exceeds the amount permitted in Section ~~[17A-1-415]~~ 17B-1-612.

9238 (3) (a) There is included as an item of appropriation in each fund for any budget year
 9239 any existing deficit created in accordance with Section ~~[17A-1-426]~~ 17B-1-623 as of the close
 9240 of the last completed fiscal year, not previously included in the budget of the current year, to
 9241 the extent of at least 5% of the total revenue of the fund in its last completed fiscal year.

9242 (b) If the total amount of the deficit is less than 5% of the total revenue in the last
9243 completed fiscal year, the entire amount of the deficit shall be included.

9244 (c) The entire amount of any deficit which results from activities other than those
9245 described in Section [~~17A-1-426~~] 17B-1-623 shall be included as an item of appropriation in
9246 each fund for any budget year not previously included in the budget of the current year.

9247 Section 202. Section **17B-1-614**, which is renumbered from Section 17A-1-417 is
9248 renumbered and amended to read:

9249 [~~17A-1-417~~]. **17B-1-614. Adoption of final budget -- Certification and**
9250 **filing.**

9251 (1) The [~~governing body~~] board of trustees of each local district shall by resolution
9252 adopt a budget for the ensuing fiscal year for each fund for which a budget is required under
9253 this part prior to the beginning of the fiscal year, except as provided in Sections 59-2-919
9254 through 59-2-923. [~~A~~]

9255 (2) The local district's budget officer shall certify a copy of the final budget for each
9256 fund [~~shall be certified by the budget officer~~] and [~~filed~~] file it with the state auditor within 30
9257 days after adoption.

9258 Section 203. Section **17B-1-615**, which is renumbered from Section 17A-1-418 is
9259 renumbered and amended to read:

9260 [~~17A-1-418~~]. **17B-1-615. Budgets in effect for budget year.**

9261 (1) Upon final adoption, [~~the budgets~~] each budget shall be in effect for the budget
9262 year, subject to [~~later~~] amendment as provided in this part.

9263 (2) A certified copy of the adopted budgets shall be filed in the district office and shall
9264 be available to the public during regular business hours.

9265 Section 204. Section **17B-1-616**, which is renumbered from Section 17A-1-419 is
9266 renumbered and amended to read:

9267 [~~17A-1-419~~]. **17B-1-616. Property tax levy -- Amount in budget as basis**
9268 **for determining.**

9269 From the effective date of the budget or of any amendment enacted prior to the date on

9270 which property taxes are levied, the amount stated as the amount of estimated revenue from
9271 property taxes shall constitute the basis for determining the property tax levy to be set by the
9272 [~~governing body~~] board of trustees for the corresponding tax year, subject to the applicable
9273 limitations imposed by law.

9274 Section 205. Section **17B-1-617**, which is renumbered from Section 17A-1-420 is
9275 renumbered and amended to read:

9276 [~~17A-1-420~~]. **17B-1-617. Fund expenditures -- Budget officer's duties.**

9277 (1) The budget officer of each local district shall require all expenditures within each
9278 fund to conform with the fund budget.

9279 (2) No appropriation may be encumbered and no expenditure may be made against any
9280 fund appropriation unless there is sufficient unencumbered balance in the fund's appropriation,
9281 except in cases of emergency as provided in Section [~~17A-1-426~~] 17B-1-623.

9282 Section 206. Section **17B-1-618**, which is renumbered from Section 17A-1-421 is
9283 renumbered and amended to read:

9284 [~~17A-1-421~~]. **17B-1-618. Purchasing procedures.**

9285 All purchases or encumbrances by a local district shall be made or incurred according to
9286 the purchasing procedures established by each district by resolution and only on an order or
9287 approval of the person or persons duly authorized.

9288 Section 207. Section **17B-1-619**, which is renumbered from Section 17A-1-422 is
9289 renumbered and amended to read:

9290 [~~17A-1-422~~]. **17B-1-619. Expenditures or encumbrances in excess of**
9291 **appropriations prohibited -- Processing claims.**

9292 [~~Districts~~] (1) A local district may not make or incur expenditures or encumbrances in
9293 excess of total appropriations in the budget as adopted or as subsequently amended. [~~Any~~
9294 ~~such~~]

9295 (2) An obligation contracted by any officer in excess of total appropriations in the
9296 budget is not enforceable against the district.

9297 (3) No check or warrant to cover [~~any~~] a claim against [~~any~~] an appropriation may be

9298 drawn until the claim has been processed as provided by this part.

9299 Section 208. Section **17B-1-620**, which is renumbered from Section 17A-1-423 is
9300 renumbered and amended to read:

9301 ~~[17A-1-423].~~ **17B-1-620. Transfer of appropriation balance between**
9302 **accounts in same fund.**

9303 (1) The ~~[governing body]~~ board of trustees of each local district shall establish policies
9304 for the transfer of any unencumbered or unexpended appropriation balance or portion of the
9305 balance from one account in a fund to another account within the same fund~~[, but no]~~, subject
9306 to Subsection (2).

9307 (2) An appropriation for debt retirement and interest, reduction of deficit, or other
9308 appropriation required by law or covenant may not be reduced below the minimums required.

9309 Section 209. Section **17B-1-621**, which is renumbered from Section 17A-1-424 is
9310 renumbered and amended to read:

9311 ~~[17A-1-424].~~ **17B-1-621. Review of individual governmental fund budgets**
9312 **-- Hearing.**

9313 (1) The ~~[governing]~~ board of trustees of a local district body may, at any time during
9314 the budget year, review the individual budgets of the governmental funds for the purpose of
9315 determining if the total of any of them should be increased.

9316 (2) If the ~~[governing body]~~ board of trustees decides that the budget total of one or
9317 more of these funds should be increased, it shall follow the procedures established in Sections
9318 ~~[17A-1-412]~~ 17B-1-609 and ~~[17A-1-413]~~ 17B-1-610 for holding a public hearing.

9319 Section 210. Section **17B-1-622**, which is renumbered from Section 17A-1-425 is
9320 renumbered and amended to read:

9321 ~~[17A-1-425].~~ **17B-1-622. Amendment and increase of individual fund**
9322 **budgets.**

9323 (1) After ~~[the conclusion of]~~ holding the hearing referred to in Section 17B-1-621, the
9324 ~~[governing body]~~ board of trustees may, by resolution, amend the budgets of the funds
9325 proposed to be increased, so as to make all or part of the increases, both estimated revenues and

9326 appropriations, which were the proper subject of consideration at the hearing. [~~Final~~
9327 ~~amendments in~~]

9328 (2) The board of trustees may not adopt an amendment to the current year [~~to the~~
9329 budgets of any of the funds established in Section [~~17A-1-408 shall be adopted by the~~
9330 ~~governing body on or before~~] 17B-1-605 after the last day of the fiscal year.

9331 Section 211. Section **17B-1-623** is enacted to read:

9332 **17B-1-623. Emergency expenditures.**

9333 The board of trustees of a local district may, by resolution, amend a budget and
9334 authorize an expenditure of money that results in a deficit in the district's general fund balance
9335 if:

9336 (1) the board determines that:

9337 (a) an emergency exists; and

9338 (b) the expenditure is reasonably necessary to meet the emergency; and

9339 (2) the expenditure is used to meet the emergency.

9340 Section 212. Section **17B-1-624**, which is renumbered from Section 17A-1-427 is
9341 renumbered and amended to read:

9342 [~~17A-1-427~~]. **17B-1-624. Lapse of appropriations -- Exceptions.**

9343 All unexpended or unencumbered appropriations, except capital projects fund
9344 appropriations, lapse at the end of the budget year to the respective fund balance.

9345 Section 213. Section **17B-1-625**, which is renumbered from Section 17A-1-428 is
9346 renumbered and amended to read:

9347 [~~17A-1-428~~]. **17B-1-625. Transfer of balances in special funds.**

9348 If the necessity for maintaining any special fund of a district ceases to exist and a
9349 balance remains in the fund, the [~~governing body~~] board of trustees shall authorize the transfer
9350 of the balance to the fund balance in the general fund of the district, subject to the following:

9351 (1) Any balance remaining in a special [~~improvement~~] assessment fund and not
9352 required in its [~~special improvements~~] guaranty fund shall be treated in the manner provided in
9353 Sections [~~17A-3-332 and 17A-3-334 for municipal improvement districts created under Title~~

9354 17A, Chapter 3, Part 3, and Sections 17A-3-231 and 17A-3-232 for county improvement
 9355 districts created under Title 17A, Chapter 3, Part 2] 11-42-413 and 11-42-701.

9356 (2) Any balance remaining in a capital projects fund shall be transferred to the
 9357 appropriate debt service fund or other fund as the bond covenants may require and otherwise to
 9358 the fund balance account in the general fund.

9359 (3) If any balance held in a trust fund for a specific purpose, other than a cemetery
 9360 perpetual care trust fund, is to be transferred because its original purpose or restriction has
 9361 ceased to exist, a public hearing shall be held in the manner provided in Sections [~~17A-1-412~~]
 9362 17B-1-609 and [~~17A-1-413~~] 17B-1-610. The published notice shall invite those persons who
 9363 contributed to the fund to appear at the hearing. If the [~~governing body~~] board of trustees
 9364 determines the fund balance amounts are refundable to the original contributors, a 30-day
 9365 period following the hearing shall be allowed for persons having an interest in the fund to file
 9366 with the [~~governing body~~] board of trustees a verified claim only for the amount of each
 9367 claimant's contributions. Any claim not so filed shall be barred. Any balance remaining, after
 9368 refunds to eligible contributors, shall be transferred to the fund balance account in the general
 9369 fund of the district.

9370 (4) If the [~~governing body~~] board of trustees decides, in conformity with applicable
 9371 laws, that the need for continuing maintenance of its cemetery perpetual care trust fund no
 9372 longer exists, it may transfer the balance in the fund to the capital projects fund for expenditure
 9373 for land, buildings, and major improvements to be used exclusively for cemetery purposes.

9374 Section 214. Section **17B-1-626**, which is renumbered from Section 17A-1-429 is
 9375 renumbered and amended to read:

9376 [~~17A-1-429~~]. **17B-1-626. Loans by one fund to another.**

9377 Subject to restrictions imposed by bond covenants, statute, or other controlling
 9378 regulations, the [~~governing body~~] board of trustees of a local district may authorize interfund
 9379 loans from one fund to another at interest rates, repayment terms, and conditions prescribed by
 9380 the [~~governing body~~] board of trustees.

9381 Section 215. Section **17B-1-627**, which is renumbered from Section 17A-1-430 is

9382 renumbered and amended to read:

9383 ~~[17A-1-430]~~. **17B-1-627. Property tax levy -- Time for setting --**
9384 **Computation of total levy -- Apportionment of proceeds -- Maximum levy.**

9385 (1) The ~~[governing body]~~ board of trustees of each local district authorized to levy a
9386 property tax, at a regular meeting or special meeting called for that purpose, shall, by
9387 resolution, set the real and personal property tax rate for various district purposes by the date
9388 set under Section 59-2-912, but the rate may be set at an appropriate later date in accordance
9389 with Sections 59-2-918 through 59-2-923.

9390 (2) In its computation of the total levy, the ~~[governing body]~~ board of trustees shall
9391 determine the requirements of each fund for which property taxes are to be levied and shall
9392 specify in its resolution adopting the tax rate the amount apportioned to each fund.

9393 (3) The proceeds of the levy apportioned for general fund purposes shall be credited as
9394 revenue in the general fund.

9395 (4) The proceeds of the levy apportioned for special fund purposes shall be credited to
9396 the appropriate accounts in the applicable special funds.

9397 (5) The combined levies for each district for all purposes in any year, excluding the
9398 retirement of general obligation bonds and the payment of any interest on the bonds, and any
9399 taxes expressly authorized by law to be levied in addition, may not exceed the limit enumerated
9400 by the laws governing each district.

9401 Section 216. Section **17B-1-628**, which is renumbered from Section 17A-1-431 is
9402 renumbered and amended to read:

9403 ~~[17A-1-431]~~. **17B-1-628. Certification of resolution setting levy.**

9404 The district clerk, as appointed under Section ~~[17A-1-434]~~ 17B-1-631, shall certify the
9405 resolution setting the levy to the county auditor, or auditors if the district is located in more
9406 than one county, in accordance with Section 59-2-912, or in the case of a tax rate increase in
9407 excess of the certified rate, in accordance with Section 59-2-920.

9408 Section 217. Section **17B-1-629**, which is renumbered from Section 17A-1-432 is
9409 renumbered and amended to read:

9410 ~~[17A-1-432].~~ **17B-1-629. Operating and capital budgets.**

9411 (1) (a) ~~[An]~~ As used in this section, "operating and capital budget[;]" ~~[for the purposes~~
9412 ~~of this section;]~~ means a plan of financial operation for a proprietary or other required special
9413 fund, embodying estimates of operating resources and expenses and other outlays for a fiscal
9414 year.

9415 (b) Except as otherwise expressly provided, the reference to "budget" or "budgets" and
9416 the procedures and controls relating to them in other sections of this part do not apply or refer
9417 to the "operating and capital budgets" provided for in this section.

9418 (2) On or before the time the ~~[governing body]~~ board of trustees adopts budgets for the
9419 governmental funds under Section ~~[17A-1-408]~~ 17B-1-605, it shall adopt for the ensuing year
9420 an operating and capital budget for each proprietary fund and shall adopt the type of budget for
9421 other special funds which is required by the Uniform Accounting Manual for ~~[Special]~~ Local
9422 Districts.

9423 (3) Operating and capital budgets shall be adopted and administered in the following
9424 manner:

9425 (a) (i) On or before the first regularly scheduled meeting of the ~~[governing body]~~ board
9426 of trustees, in November for calendar year entities and May for fiscal year entities, the budget
9427 officer shall prepare for the ensuing fiscal year, and file with the ~~[governing body]~~ board of
9428 trustees, a tentative operating and capital budget for each proprietary fund and for other
9429 required special funds, together with specific work programs and any other supporting data
9430 required by the ~~[governing body]~~ board.

9431 (ii) If, within any proprietary fund, allocations or transfers that are not reasonable
9432 allocations of costs between funds are included in a tentative budget, a written notice of the
9433 date, time, place, and purpose of the hearing shall be mailed to utility fund customers at least
9434 seven days before the hearing.

9435 (iii) The purpose portion of the notice required under Subsection (3)(a)(ii) shall
9436 identify:

9437 (A) the enterprise utility fund from which money is being transferred;

9438 (B) the amount being transferred; and

9439 (C) the fund to which the money is being transferred.

9440 (b) (i) The board of trustees shall review and consider the tentative budgets [~~shall be~~
9441 ~~reviewed and considered by the governing body~~] at any regular meeting or special meeting
9442 called for that purpose.

9443 (ii) The [~~governing body~~] board of trustees may make any changes [~~considered~~
9444 ~~advisable~~] in the tentative budgets that it considers advisable.

9445 (c) Budgets for proprietary or other required special funds shall comply with the public
9446 hearing requirements established in Sections [~~17A-1-412~~] 17B-1-609 and [~~17A-1-413~~]
9447 17B-1-610.

9448 (d) (i) The [~~governing body~~] board of trustees shall adopt an operating and capital
9449 budget for each proprietary fund for the ensuing fiscal year before the beginning of each fiscal
9450 year, except as provided in Sections 59-2-919 through 59-2-923.

9451 (ii) A copy of the budget as finally adopted for each proprietary fund shall be certified
9452 by the budget officer and filed by the officer in the district office and shall be available to the
9453 public during regular business hours.

9454 (iii) A copy of the budget shall also be filed with the state auditor within 30 days after
9455 adoption.

9456 (e) (i) Upon final adoption, the operating and capital budget is in effect for the budget
9457 year, subject to later amendment.

9458 (ii) During the budget year, the [~~governing body~~] board of trustees may, in any regular
9459 meeting or special meeting called for that purpose, review any one or more of the operating and
9460 capital budgets for the purpose of determining if the total of any of them should be increased.

9461 (iii) If the [~~governing body~~] board of trustees decides that the budget total of one or
9462 more of these proprietary funds should be increased, the [~~governing body~~] board shall follow
9463 the procedures established in Section [~~17A-1-433~~] 17B-1-630.

9464 (f) Expenditures from operating and capital budgets shall conform to the requirements
9465 relating to budgets specified in Sections [~~17A-1-420~~] 17B-1-617 through [~~17A-1-423~~]

9466 17B-1-620.

9467 Section 218. Section **17B-1-630**, which is renumbered from Section 17A-1-433 is
9468 renumbered and amended to read:

9469 ~~[17A-1-433]~~. **17B-1-630**. **Increase in appropriations for operating and**
9470 **capital budget funds -- Notice.**

9471 The total budget appropriation of any fund described in Section ~~[17A-1-432]~~ 17B-1-629
9472 may be increased by resolution of the ~~[governing body]~~ board of trustees at any regular
9473 meeting, or special meeting called for that purpose, if written notice of the time, place, and
9474 purpose of the meeting has been mailed or delivered to all members of the ~~[governing body]~~
9475 board of trustees at least five days prior to the meeting. The notice may be waived in writing or
9476 orally during attendance at the meeting by any member of the ~~[governing body]~~ board of
9477 trustees.

9478 Section 219. Section **17B-1-631**, which is renumbered from Section 17A-1-434 is
9479 renumbered and amended to read:

9480 ~~[17A-1-434]~~. **17B-1-631**. **District clerk -- Meetings and records.**

9481 (1) The ~~[governing body]~~ board of trustees of ~~[the]~~ each local district shall appoint a
9482 district clerk. ~~[Where]~~

9483 (2) If required, the clerk may be chosen from among the members of the ~~[governing]~~
9484 board of trustees, except the ~~[chairman of the board]~~ chair.

9485 (3) The district clerk or other appointed person shall attend the meetings and keep a
9486 record of the proceedings of the ~~[governing body]~~ board of trustees.

9487 Section 220. Section **17B-1-632**, which is renumbered from Section 17A-1-436 is
9488 renumbered and amended to read:

9489 ~~[17A-1-436]~~. **17B-1-632**. **District clerk -- Bookkeeping duties.**

9490 The district clerk or other designated person not performing treasurer duties shall
9491 maintain the financial records for each fund of the local district and all related subsidiary
9492 records, including a list of the outstanding bonds, their purpose, amount, terms, date, and place
9493 payable.

9494 Section 221. Section **17B-1-633**, which is renumbered from Section 17A-1-437 is
9495 renumbered and amended to read:

9496 ~~[17A-1-437]~~. **17B-1-633. District treasurer -- Duties generally.**

9497 (1) (a) The ~~[governing body]~~ board of trustees of ~~[the]~~ each local district shall appoint
9498 a district treasurer.

9499 (b) (i) ~~[Where]~~ If required, the treasurer may be chosen from among the members of
9500 the ~~[governing]~~ board of trustees, except that the ~~[chairman of the]~~ board chair may not be
9501 district treasurer.

9502 (ii) The district clerk may not also be the district treasurer.

9503 (2) The district treasurer is custodian of all money, bonds, or other securities of the
9504 district.

9505 (3) The district treasurer shall:

9506 (a) determine the cash requirements of the district and provide for the deposit and
9507 investment of all monies by following the procedures and requirements of Title 51, Chapter 7,
9508 State Money Management Act;

9509 (b) receive all public funds and money payable to the district within three business days
9510 after collection, including all taxes, licenses, fines, and intergovernmental revenue;

9511 (c) keep an accurate detailed account of all monies received under Subsection (3)(b) in
9512 the manner provided in this part and as directed by the ~~[governing body of the district]~~ district's
9513 board of trustees by resolution; and

9514 (d) collect all special taxes and assessments as provided by law and ordinance.

9515 Section 222. Section **17B-1-634**, which is renumbered from Section 17A-1-438 is
9516 renumbered and amended to read:

9517 ~~[17A-1-438]~~. **17B-1-634. Receipts for payment.**

9518 The district treasurer shall give or cause to be given to every person paying money to
9519 the district treasury, a receipt or other evidence of payment, specifying, as appropriate, the date
9520 of payment and upon which account paid and shall file the duplicate of the receipt.

9521 Section 223. Section **17B-1-635**, which is renumbered from Section 17A-1-439 is

9522 renumbered and amended to read:

9523 ~~[17A-1-439].~~ **17B-1-635. Duties with respect to issuance of checks.**

9524 (1) The district clerk or other designated person not performing treasurer duties shall
9525 prepare the necessary checks after having determined that:

9526 (a) the claim was authorized by:

9527 (i) the ~~[governing body]~~ board of trustees; or

9528 (ii) the ~~[special]~~ local district financial officer, if the financial officer is not the clerk, in
9529 accordance with Section ~~[17A-1-447]~~ 17B-1-642;

9530 (b) the claim does not overexpend the appropriate departmental budget established by
9531 the ~~[governing body]~~ board of trustees; and

9532 (c) the expenditure was approved in advance by the ~~[governing body]~~ board of trustees
9533 or its designee.

9534 (2) (a) (i) The treasurer or any other person appointed by the ~~[governing body]~~ board of
9535 trustees shall sign all checks.

9536 (ii) The person maintaining the financial records may not sign any single signature
9537 check.

9538 (b) In ~~[special districts]~~ a local district with an expenditure budget of less than \$50,000
9539 per year, a member of the ~~[governing body]~~ board of trustees shall also sign all checks.

9540 (c) Before affixing a signature, the treasurer or other designated person shall determine
9541 that a sufficient amount is on deposit in the appropriate bank account of the district to honor
9542 the check.

9543 Section 224. Section **17B-1-636**, which is renumbered from Section 17A-1-440 is
9544 renumbered and amended to read:

9545 ~~[17A-1-440].~~ **17B-1-636. Special assessments -- Application of proceeds.**

9546 All money received by the treasurer on any special assessment shall be applied to the
9547 payment of the improvement for which the assessment was made. The money shall be used for
9548 the payment of interest and principal on bonds or other indebtedness issued in settlement, and
9549 may not be used for any other purpose except as provided in Section ~~[17A-1-428]~~ 17B-1-625.

9550 Section 225. Section **17B-1-637**, which is renumbered from Section 17A-1-441 is
9551 renumbered and amended to read:

9552 ~~[17A-1-441].~~ **17B-1-637. Deposit of district funds -- Commingling with**
9553 **personal funds unlawful -- Suspension from office.**

9554 The treasurer shall promptly deposit all district funds in the appropriate bank accounts
9555 of the district. It shall be unlawful for any person to commingle district funds with the person's
9556 own money. If it appears that the treasurer or any other officer is making a profit out of public
9557 money, or is using the same for any purpose not authorized by law, the treasurer or officer shall
9558 be suspended from office.

9559 Section 226. Section **17B-1-638**, which is renumbered from Section 17A-1-442 is
9560 renumbered and amended to read:

9561 ~~[17A-1-442].~~ **17B-1-638. Quarterly financial reports required.**

9562 The district clerk or other delegated person shall prepare and present to the ~~[governing~~
9563 ~~body]~~ board of trustees detailed quarterly financial reports showing the financial position and
9564 operations of the district for that quarter and the year to date status.

9565 Section 227. Section **17B-1-639**, which is renumbered from Section 17A-1-443 is
9566 renumbered and amended to read:

9567 ~~[17A-1-443].~~ **17B-1-639. Annual financial reports -- Independent audit**
9568 **reports.**

9569 (1) (a) Within 180 days after the close of each fiscal year, the district shall prepare an
9570 annual financial report in conformity with generally accepted accounting principles as
9571 prescribed in the Uniform Accounting Manual for ~~[Special]~~ Local Districts.

9572 (b) Each annual financial report shall identify impact fee funds by the year in which
9573 they were received, the project from which the funds were collected, the capital projects for
9574 which the funds are budgeted, and the projected schedule for expenditure.

9575 (2) The requirement under Subsection (1)(a) to prepare an annual financial report may
9576 be satisfied by presentation of the audit report furnished by the independent auditor.

9577 (3) Copies of the annual financial report or the audit report furnished by the

9578 independent auditor shall be filed with the state auditor and shall be filed as a public document
9579 in the district office.

9580 Section 228. Section **17B-1-640**, which is renumbered from Section 17A-1-444 is
9581 renumbered and amended to read:

9582 ~~[17A-1-444].~~ **17B-1-640. Independent audits required.**

9583 (1) Independent audits of all local districts are required to be performed in conformity
9584 with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal
9585 Organizations, and Other Local Entities Act.

9586 (2) The ~~[governing body]~~ board of trustees shall appoint an independent auditor for the
9587 purpose of complying with the requirements of this section and with Title 51, Chapter 2a,
9588 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local
9589 Entities Act.

9590 Section 229. Section **17B-1-641**, which is renumbered from Section 17A-1-445 is
9591 renumbered and amended to read:

9592 ~~[17A-1-445].~~ **17B-1-641. Local district may expand uniform procedures --**
9593 **Limitation.**

9594 ~~[(1) The state auditor, with the assistance, advice, and recommendations of a special~~
9595 ~~district advisory committee appointed by the state auditor from among special district~~
9596 ~~governing boards and officers, shall:]~~

9597 ~~[(a) prescribe uniform accounting and reporting procedures for districts in conformity~~
9598 ~~with generally accepted accounting principles;]~~

9599 ~~[(b) conduct a continuing review and modification of procedures in order to improve~~
9600 ~~them;]~~

9601 ~~[(c) prepare and supply each district with suitable budget and reporting forms; and]~~

9602 ~~[(d) prepare instructional materials, conduct training programs, and render other~~
9603 ~~services considered necessary to assist districts in implementing the uniform accounting,~~
9604 ~~budgeting, and reporting procedures:]~~

9605 ~~[(2) The Uniform Accounting Manual for Special Districts shall prescribe reasonable~~

9606 exceptions and modifications for smaller districts to the uniform system of accounting,
9607 budgeting, and reporting.]

9608 ~~[(3) Districts]~~ (1) Subject to Subsection (2), a local district may expand the uniform
9609 accounting, budgeting, and reporting procedure prescribed in the Uniform Accounting Manual
9610 for Local Districts prepared by the state auditor under Subsection 67-3-1(13), to better serve
9611 [their] the needs[; but no deviations from or alterations to] of the district.

9612 (2) A local district may not deviate from or alter the basic prescribed classification
9613 systems for the identity of funds and accounts [may be made] set forth in the Uniform
9614 Accounting Manual for Local Districts.

9615 Section 230. Section **17B-1-642**, which is renumbered from Section 17A-1-447 is
9616 renumbered and amended to read:

9617 ~~[17A-1-447].~~ **17B-1-642. Approval of district expenditures.**

9618 (1) The ~~[district governing]~~ board of trustees of each local district shall approve all
9619 expenditures of the district except as otherwise provided in this section.

9620 (2) The ~~[governing body]~~ board of trustees may authorize the district manager or other
9621 official approved by the ~~[governing body]~~ board to act as the financial officer for the purpose
9622 of approving:

9623 (a) payroll checks, if the checks are prepared in accordance with a schedule approved
9624 by the ~~[governing body]~~ board; and

9625 (b) routine expenditures, such as utility bills, payroll-related expenses, supplies, and
9626 materials.

9627 (3) Notwithstanding Subsection (2), the ~~[governing body]~~ board of trustees shall, at
9628 least quarterly, review all expenditures authorized by the financial officer.

9629 (4) The ~~[governing body]~~ board of trustees shall set a maximum sum over which all
9630 purchases may not be made without the board's approval ~~[of the governing body]~~.

9631 Section 231. Section **17B-1-643**, which is renumbered from Section 17A-1-448 is
9632 renumbered and amended to read:

9633 ~~[17A-1-448].~~ **17B-1-643. Imposing or increasing a fee for service provided**

9634 **by local district.**

9635 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
 9636 by a ~~[special]~~ local district, each ~~[special]~~ local district board of trustees shall first hold a public
 9637 hearing at which any interested person may speak for or against the proposal to impose a fee or
 9638 to increase an existing fee.

9639 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
 9640 no earlier than ~~[6:00]~~ 6 p.m.

9641 (c) A public hearing required under this Subsection (1) may be combined with a public
 9642 hearing on a tentative budget required under Section 17B-1-610.

9643 ~~[(e)]~~ (d) Except to the extent that this section imposes more stringent notice
 9644 requirements, the ~~[special]~~ local district board shall comply with Title 52, Chapter 4, Open and
 9645 Public Meetings Act, in holding the public hearing under Subsection (1)(a).

9646 (2) (a) Each ~~[special]~~ local district board shall give notice of a hearing under
 9647 Subsection (1) as provided in Subsection (2)(b)(i) or ~~[(e)]~~ (ii).

9648 (b) (i) (A) The notice required under Subsection (2)(a) shall be published in a
 9649 newspaper or combination of newspapers of general circulation in the ~~[special]~~ local district, if
 9650 there is a newspaper or combination of newspapers of general circulation in the ~~[special]~~ local
 9651 district.

9652 ~~[(ii)]~~ (B) The notice shall be no less than 1/4 page in size and the type used shall be no
 9653 smaller than 18 point, and surrounded by a 1/4-inch border.

9654 ~~[(iii)]~~ (C) The notice may not be placed in that portion of the newspaper where legal
 9655 notices and classified advertisements appear.

9656 ~~[(iv)]~~ (D) It is legislative intent that, whenever possible, the advertisement appear in a
 9657 newspaper that is published at least one day per week.

9658 ~~[(v)]~~ (E) It is further the intent of the Legislature that the newspaper or combination of
 9659 newspapers selected be of general interest and readership in the ~~[special]~~ local district, and not
 9660 of limited subject matter.

9661 ~~[(vi)]~~ (F) The notice shall be run once each week for the two weeks preceding the

9662 hearing.

9663 ~~[(vii)]~~ (G) The notice shall state that the ~~[special]~~ local district board intends to impose
9664 or increase a fee for a service provided by the ~~[special]~~ local district and will hold a public
9665 hearing on a certain day, time, and place fixed in the notice, which shall be not less than seven
9666 days after the day the first notice is published, for the purpose of hearing comments regarding
9667 the proposed imposition or increase of a fee and to explain the reasons for the proposed
9668 imposition or increase.

9669 ~~[(e)(i)]~~ (ii) (A) If there is no newspaper or combination of newspapers of general
9670 circulation in the ~~[special]~~ local district, the ~~[special]~~ local district board shall post at least one
9671 notice per 1,000 population within the ~~[special]~~ local district, at places within the ~~[special]~~
9672 local district that are most likely to provide actual notice to residents within the ~~[special]~~ local
9673 district.

9674 ~~[(ii)]~~ (B) Each notice under Subsection (2)~~[(e)(i)](b)(ii)(A)~~ shall comply with
9675 Subsection (2)(b)~~[(vii)](i)(G)~~.

9676 (c) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
9677 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
9678 within the district who:

9679 (A) will be charged the fee for a district service, if the fee is being imposed for the first
9680 time; or

9681 (B) are being charged a fee, if the fee is proposed to be increased.

9682 (ii) Each notice under Subsection (2)(c)(i) shall comply with Subsection (2)(b)(i)(G).

9683 (iii) A notice under Subsection (2)(c)(i) may accompany a district bill for an existing
9684 fee.

9685 (d) If the hearing required under this section is combined with the public hearing
9686 required under Section 17B-1-610, the notice requirement under this Subsection (2) is satisfied
9687 if a notice that meets the requirements of Subsection (2)(b)(i)(G) is combined with the notice
9688 required under Section 17B-1-609.

9689 ~~[(d)]~~ (e) Proof that notice was given as provided in Subsection (2)(b) or (c) is prima

9690 facie evidence that notice was properly given.

9691 ~~[(e)]~~ (f) If no challenge is made to the notice given of a hearing required by Subsection
9692 (1) within 30 days after the date of the hearing, the notice is considered adequate and proper.

9693 (3) After holding a public hearing under Subsection (1), a ~~[special]~~ local district board
9694 may:

9695 (a) impose the new fee or increase the existing fee as proposed;

9696 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
9697 then impose the new fee or increase the existing fee as adjusted; or

9698 (c) decline to impose the new fee or increase the existing fee.

9699 (4) This section applies to each new fee imposed and each increase of an existing fee
9700 that occurs on or after July 1, 1998.

9701 Section 232. Section **17B-1-644**, which is renumbered from Section 17A-2-105 is
9702 renumbered and amended to read:

9703 ~~[17A-2-105].~~ **17B-1-644. Definitions -- Electronic payments -- Fee.**

9704 (1) As used in this section:

9705 (a) "Electronic payment" means the payment of money to ~~[an independent special]~~ a
9706 local district by electronic means, including by means of a credit card, charge card, debit card,
9707 prepaid or stored value card or similar device, or automatic clearinghouse transaction.

9708 (b) "Electronic payment fee" means an amount of money to defray the discount fee,
9709 processing fee, or other fee charged by a credit card company or processing agent to process an
9710 electronic payment.

9711 (c) "Processing agent" means a bank, transaction clearinghouse, or other third party
9712 that charges a fee to process an electronic payment.

9713 (2) ~~[An independent special]~~ A local district may accept an electronic payment for the
9714 payment of funds which the ~~[independent special]~~ local district could have received through
9715 another payment method.

9716 (3) ~~[An independent special]~~ A local district that accepts an electronic payment may
9717 charge an electronic payment fee.

9718 Section 233. Section **17B-1-701**, which is renumbered from Section 17A-1-501 is
9719 renumbered and amended to read:

9720 **Part 7. Local District Budgets and Audit Reports**

9721 ~~[17A-1-501].~~ **17B-1-701. Definitions.**

9722 As used in this part:

9723 (1) "Audit reports" means the reports of any independent audit of the district performed
9724 by:

9725 (a) an independent auditor as required by Title 51, Chapter 2a, Accounting Reports
9726 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

9727 (b) the state auditor; or

9728 (c) the legislative auditor.

9729 (2) "Board" means the ~~[governing body of any special]~~ local district board of trustees.

9730 (3) "Budget" means a plan of financial operations for a fiscal year that includes:

9731 (a) estimates of proposed expenditures for given purposes and the proposed means of
9732 financing them;

9733 (b) the source and amount of estimated revenue for the district for the fiscal year;

9734 (c) fund balance in each fund at the beginning of the fiscal year and the projected fund
9735 balance for each fund at the end of the fiscal year; and

9736 (d) capital projects or budgets for proposed construction or improvement to capital
9737 facilities within the district.

9738 (4) "Constituent entity" means any county, city, or town that levies property taxes
9739 within the boundaries of the district.

9740 (5) (a) "Customer agencies" means those governmental entities, except school districts,
9741 institutions of higher education, and federal government agencies that purchase or obtain
9742 services from the ~~[special]~~ local district.

9743 (b) "Customer agencies" for purposes of state agencies means the state auditor.

9744 ~~[(6) "Independent special district" means any special district established under
9745 authority of Title 17A, Chapter 2.]~~

9746 Section 234. Section **17B-1-702**, which is renumbered from Section 17A-1-502 is
9747 renumbered and amended to read:

9748 ~~[17A-1-502]~~. **17B-1-702. Local districts to submit budgets.**

9749 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is approved by
9750 the board, and at least 30 days before the board adopts a final budget, the board of each
9751 ~~[independent special]~~ local district with an annual budget of \$50,000 or more shall send a copy
9752 of its tentative budget and notice of the time and place for its budget hearing to:

9753 (i) each of its constituent entities that has in writing requested a copy; and

9754 (ii) to each of its customer agencies that has in writing requested a copy.

9755 (b) Within 30 days after it is approved by the board, and at least 30 days before the
9756 board adopts a final budget, the board of trustees of a public transit district serving a population
9757 of more than 200,000 people shall send a copy of its tentative budget and notice of the time and
9758 place for its budget hearing to:

9759 (i) each of its constituent entities; ~~[and]~~

9760 (ii) ~~[to]~~ each of its customer agencies that has in writing requested a copy~~[-]~~;

9761 (iii) the governor; and

9762 (iv) the Legislature.

9763 (c) The ~~[special]~~ local district shall include with the tentative budget a signature sheet
9764 that includes:

9765 (i) language that the constituent entity or customer agency received the tentative budget
9766 and has no objection to it; and

9767 (ii) a place for the chairperson or other designee of the constituent entity or customer
9768 agency to sign.

9769 (2) Each constituent entity and each customer agency that receives the tentative budget
9770 shall review the tentative budget submitted by the district and either:

9771 (a) sign the signature sheet and return it to the district; or

9772 (b) attend the budget hearing or other meeting scheduled by the district to discuss the
9773 objections to the proposed budget.

9774 (3) (a) If any constituent entity or customer agency that received the tentative budget
9775 has not returned the signature sheet to the [~~special~~] local district within 15 calendar days after
9776 the tentative budget was mailed, the [~~special~~] local district shall send a written notice of the
9777 budget hearing to each constituent entity or customer agency that did not return a signature
9778 sheet and invite them to attend that hearing.

9779 (b) If requested to do so by any constituent entity or customer agency, the [~~special~~]
9780 local district shall schedule a meeting to discuss the budget with the constituent entities and
9781 customer agencies.

9782 (c) At the budget hearing, the [~~special~~] local district board shall:

- 9783 (i) explain its budget and answer any questions about it;
- 9784 (ii) specifically address any questions or objections raised by the constituent entity,
9785 customer agency, or those attending the meeting; and
- 9786 (iii) seek to resolve the objections.

9787 (4) Nothing in this part prevents [~~any special~~] a local district board from approving or
9788 implementing a budget over any or all constituent entity's or customer agency's protests,
9789 objections, or failure to respond.

9790 Section 235. Section **17B-1-703**, which is renumbered from Section 17A-1-503 is
9791 renumbered and amended to read:

9792 [~~17A-1-503~~]. **17B-1-703. Local districts to submit audit reports.**

9793 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is presented to
9794 the board, the board of each [~~independent special~~] local district with an annual budget of
9795 \$50,000 or more shall send a copy of any audit report to:

- 9796 (i) each of its constituent entities that has in writing requested a copy; and
- 9797 (ii) each of its customer agencies that has in writing requested a copy.

9798 (b) Within 30 days after it is presented to the board, the board of a public transit district
9799 serving a population of more than 200,000 people shall send a copy of its annual audit report
9800 to:

- 9801 (i) each of its constituent entities; and

9802 (ii) each of its customer agencies that has in writing requested a copy.

9803 (2) Each constituent entity and each customer agency that received the audit report
9804 shall review the audit report submitted by the district and, if necessary, request a meeting with
9805 the [~~independent special~~] district board to discuss the audit report.

9806 (3) At the meeting, the [~~special~~] local district board shall:

9807 (a) answer any questions about the audit report; and

9808 (b) discuss their plans to implement suggestions made by the auditor.

9809 Section 236. Section **17B-1-801**, which is renumbered from Section 17A-1-601 is
9810 renumbered and amended to read:

9811 **Part 8. Local District Personnel Management**

9812 [~~17A-1-601~~]. **17B-1-801. Establishment of local district merit system.**

9813 [~~(1) This part is known as the "Special District Personnel Management Act."~~]

9814 [~~(2)~~] (1) A merit system of personnel administration for the [~~special~~] local districts of
9815 the state [~~of Utah~~], their departments, offices, and agencies, except as otherwise specifically
9816 provided, is established.

9817 [~~(3)~~] (2) This part does not apply to [~~special districts~~] a local district with annual
9818 revenues less than \$50,000.

9819 Section 237. Section **17B-1-802**, which is renumbered from Section 17A-1-602 is
9820 renumbered and amended to read:

9821 [~~17A-1-602~~]. **17B-1-802. Review of personnel policies.**

9822 Each [~~independent and each dependent special~~] local district [~~established under the~~
9823 ~~authority of this title which~~] that has full or part-time employees shall annually review its
9824 personnel policies to ensure that they conform to the requirements of state and federal law.

9825 Section 238. Section **17B-1-803**, which is renumbered from Section 17A-1-603 is
9826 renumbered and amended to read:

9827 [~~17A-1-603~~]. **17B-1-803. Merit principles.**

9828 [~~It is the policy of this state that each special~~] A local district may establish a personnel
9829 system administered in a manner that will provide for the effective implementation of [~~the~~

9830 following] merit principles that provide for:

9831 (1) [~~Recruiting~~] recruiting, selecting, and advancing employees on the basis of their
9832 relative ability, knowledge, and skills, including open consideration of qualified applicants for
9833 initial appointment[-];

9834 (2) [~~Provision of~~] providing equitable and adequate compensation[-];

9835 (3) [~~Training of~~] training employees as needed to assure high-quality performance[-];

9836 (4) [~~Retention of~~] retaining employees on the basis of the adequacy of their
9837 performance, and separation of employees whose inadequate performance cannot be
9838 corrected[-];

9839 (5) [~~Fair~~] fair treatment of applicants and employees in all aspects of personnel
9840 administration without regard to race, color, religion, sex, national origin, political affiliation,
9841 age, or disability, and with proper regard for their privacy and constitutional rights as
9842 citizens[-];

9843 (6) [~~Provision of~~] providing information to employees regarding their political rights
9844 and prohibited practices under the Hatch Political Activities Act, 5 U.S.C. Sec. 1501 through
9845 1508 et seq.; and

9846 (7) [~~Provision of~~] providing a formal procedure for processing the appeals and
9847 grievances of employees without discrimination, coercion, restraint, or reprisal.

9848 Section 239. Section **17B-1-804**, which is renumbered from Section 17A-1-604 is
9849 renumbered and amended to read:

9850 ~~[17A-1-604].~~ **17B-1-804. Compliance with Labor Code requirements.**

9851 Each [~~special~~] local district shall comply with the requirements of Section 34-32-1.1.

9852 Section 240. Section **17B-1-901** is enacted to read:

9853 **Part 9. Collection of Service Fees and Charges**

9854 **17B-1-901. A single bill for multiple commodities, services, or facilities --**

9855 **Suspending service to a delinquent customer.**

9856 (1) If a local district provides more than one commodity, service, or facility, the district
9857 may bill for the fees and charges for all commodities, services, and facilities in a single bill.

9858 (2) A local district may suspend furnishing a commodity, service, or facility to a
 9859 customer if the customer fails to pay all fees and charges when due.

9860 Section 241. Section **17B-1-902**, which is renumbered from Section 17B-2-803 is
 9861 renumbered and amended to read:

9862 ~~[17B-2-803].~~ **17B-1-902. Lien for past due service fees -- Limitations.**

9863 (1) (a) A local district may certify, to the treasurer of the county in which the
 9864 customer's property is located, past due [service] fees and [other amounts] charges for [which
 9865 ~~the customer is liable under this chapter to the treasurer or assessor of the county in which~~
 9866 commodities, services, or facilities that the district has provided to the customer's property [is
 9867 ~~located].~~

9868 (b) Subject to Subsection (2), the past due [service] fees and [~~other amounts for which~~
 9869 ~~the customer is liable under this chapter~~] charges, including applicable interest and penalties,
 9870 upon their certification under Subsection (1)(a), become a lien on the customer's property to
 9871 which the [~~water was furnished or sewer service~~] commodities, services, or facilities were
 9872 provided, on a parity with and collectible at the same time and in the same manner as general
 9873 county taxes that are a lien on the property.

9874 (2) A lien under Subsection (1) is not valid if certification under Subsection (1) is
 9875 made after the filing for record of a document conveying title of the customer's property to a
 9876 new owner.

9877 (3) Nothing in this section may be construed to:

9878 (a) waive or release the customer's obligation to pay [service] fees or charges that the
 9879 district has imposed;

9880 (b) preclude the certification of a lien under Subsection (1) with respect to past due
 9881 [service] fees or charges for [~~water furnished or sewer service~~] commodities, services, or
 9882 facilities provided after the date that title to the property is transferred to a new owner; or

9883 (c) nullify or terminate a valid lien.

9884 (4) After all amounts owing under a lien established as provided in this section have
 9885 been paid, the local district shall file for record in the county recorder's office a release of the

9886 lien.

9887 Section 242. Section **17B-1-903**, which is renumbered from Section 17B-2-802 is
9888 renumbered and amended to read:

9889 ~~[17B-2-802]~~. **17B-1-903**. **Authority to require written application for**
9890 **water or sewer service and to terminate for failure to pay -- Limitations.**

9891 (1) A local district that owns or controls a system for furnishing water or providing
9892 sewer service or both may:

9893 (a) before furnishing water or providing sewer service to a property, require the
9894 property owner or an authorized agent to submit a written application, signed by the owner or
9895 an authorized agent, agreeing to pay for all water furnished or sewer service provided to the
9896 property, whether occupied by the owner or by a tenant or other occupant, according to the
9897 rules and regulations adopted by the local district; and

9898 (b) if a customer fails to pay for water furnished or sewer service provided to the
9899 customer's property, discontinue furnishing water or providing sewer service to the property[;
9900 ~~respectively;~~] until all amounts for water furnished or sewer service provided[~~, respectively;~~]
9901 are paid, subject to Subsection (2).

9902 (2) Unless a valid lien has been established as provided in Section [~~17B-2-803~~]
9903 17B-1-902, has not been satisfied, and has not been terminated by a sale as provided in
9904 Subsection [~~17B-2-803~~] 17B-1-902(2), a local district may not:

9905 (a) use a customer's failure to pay for water furnished or sewer service provided to the
9906 customer's property as a basis for not furnishing water or providing sewer service to the
9907 property after ownership of the property is transferred to a subsequent owner; or

9908 (b) require an owner to pay for water that was furnished or sewer service that was
9909 provided to the property before the owner's ownership.

9910 Section 243. Section **17B-1-904**, which is renumbered from Section 17B-2-801 is
9911 renumbered and amended to read:

9912 ~~[17B-2-801]~~. **17B-1-904**. **Collection of service fees.**

9913 (1) As used in this [~~part~~] section:

9914 [(1)] (a) "Collection costs" means an amount, not to exceed \$20, to reimburse a local
9915 district for expenses associated with its efforts to collect past due service fees from a customer.

9916 [(2)] (b) "Customer" means the owner of real property to which a local district has
9917 ~~[furnished water or provided sewer service]~~ provided a service for which the local district
9918 charges a service fee.

9919 [(3)] (c) "Damages" means an amount equal to the greater of:

9920 [(a)] (i) \$100; and

9921 [(b)] (ii) triple the past due service fees.

9922 [(4)] (d) "Default date" means the date on which payment for service fees becomes past
9923 due.

9924 [(5)] (e) "Past due service fees" means service fees that on or after the default date have
9925 not been paid.

9926 [(6)] (f) "Prelitigation damages" means an amount that is equal to the greater of:

9927 [(a)] (i) \$50; and

9928 [(b)] (ii) triple the past due service fees.

9929 [(7)] (g) "Service ~~[fees]~~ fee" means ~~[the]~~ an amount charged by a local district to a
9930 customer for ~~[water furnished or sewer service provided to the customer's property]~~ a service,
9931 including furnishing water, providing sewer service, and providing garbage collection service,
9932 that the district provides to the customer's property.

9933 (2) A customer is liable to a local district for past due service fees and collection costs
9934 if:

9935 (a) the customer has not paid service fees before the default date;

9936 (b) the local district mails the customer notice as provided in Subsection (4); and

9937 (c) the past due service fees remain unpaid 15 days after the local district has mailed
9938 notice.

9939 (3) If a customer has not paid the local district the past due service fees and collection
9940 costs within 30 days after the local district mails notice, the local district may make an offer to
9941 the customer that the local district will forego filing a civil action under Subsection (5) if the

9942 customer pays the local district an amount that:

9943 (a) consists of the past due service fees, collection costs, prelitigation damages, and, if
9944 the local district retains an attorney to recover the past due service fees, a reasonable attorney
9945 fee not to exceed \$50; and

9946 (b) if the customer's property is residential, may not exceed \$100.

9947 (4) (a) Each notice under Subsection (2)(b) shall:

9948 (i) be in writing;

9949 (ii) be mailed to the customer by the United States mail, postage prepaid;

9950 (iii) notify the customer that:

9951 (A) if the past due service fees are not paid within 15 days after the day on which the
9952 local district mailed notice, the customer is liable for the past due service fees and collection
9953 costs; and

9954 (B) the local district may file civil action if the customer does not pay to the local
9955 district the past due service fees and collection costs within 30 calendar days from the day on
9956 which the local district mailed notice; and

9957 (iv) be in substantially the following form:

9958 Date: _____

9959 To: _____

9960 Service address: _____

9961 Account or invoice number(s): _____

9962 Date(s) of service: _____

9963 Amount past due: _____

9964 You are hereby notified that water or sewer service fees (or both) owed by you are in
9965 default. In accordance with Section 17B-1-902, Utah Code Annotated, if you do not pay the
9966 past due amount within 15 days from the day on which this notice was mailed to you, you are
9967 liable for the past due amount together with collection costs of \$20.

9968 You are further notified that if you do not pay the past due amount and the \$20
9969 collection costs within 30 calendar days from the day on which this notice was mailed to you,

9970 an appropriate civil legal action may be filed against you for the past due amount, interest,
9971 court costs, attorney fees, and damages in an amount equal to the greater of \$100 or triple the
9972 past due amounts, but the combined total of all these amounts may not exceed \$200 if your
9973 property is residential.

9974 (Signed) _____

9975 Name of local district _____

9976 Address of local district _____

9977 Telephone number of local district _____

9978 (b) Written notice under this section is conclusively presumed to have been given if the
9979 notice is:

9980 (i) properly deposited in the United States mail, postage prepaid, by certified or
9981 registered mail, return receipt requested; and

9982 (ii) addressed to the customer at the customer's:

9983 (A) address as it appears in the records of the local district; or

9984 (B) last-known address.

9985 (5) (a) A local district may file a civil action against the customer if the customer fails
9986 to pay the past due service fees and collection costs within 30 calendar days from the date on
9987 which the local district mailed notice under Subsection (2)(b).

9988 (b) (i) In a civil action under this Subsection (5), a customer is liable to the local
9989 district for an amount that:

9990 (A) consists of past due service fees, collection costs, interest, court costs, a reasonable
9991 attorney fee, and damages; and

9992 (B) if the customer's property is residential, may not exceed \$200.

9993 (ii) Notwithstanding Subsection (5)(b)(i), a court may, upon a finding of good cause,
9994 waive interest, court costs, the attorney fee, and damages, or any combination of them.

9995 (c) If a local district files a civil action under this Subsection (5) before 31 calendar
9996 days after the day on which the local district mailed notice under Subsection (2)(b), a customer
9997 may not be held liable for an amount in excess of past due service fees.

9998 (d) A local district may not file a civil action under this Subsection (5) unless the
9999 customer has failed to pay the past due service fees and collection costs within 30 days from
10000 the day on which the local district mailed notice under Subsection (2)(b).

10001 (6) (a) All amounts charged or collected as prelitigation damages or as damages shall
10002 be paid to and be the property of the local district that furnished water or provided sewer
10003 service and may not be retained by a person who is not that local district.

10004 (b) A local district may not contract for a person to retain any amounts charged or
10005 collected as prelitigation damages or as damages.

10006 (7) This section may not be construed to limit a local district from obtaining relief to
10007 which it may be entitled under other applicable statute or cause of action.

10008 Section 244. Section **17B-1-1001** is enacted to read:

10009 **Part 10. Local District Property Tax Levy**

10010 **17B-1-1001. Provisions applicable to property tax levy.**

10011 Each local district that levies and collects property taxes shall levy and collect them
10012 according to the provisions of Title 59, Chapter 2, Property Tax Act.

10013 Section 245. Section **17B-1-1002** is enacted to read:

10014 **17B-1-1002. Limit on local district property tax levy -- Exclusions.**

10015 (1) The rate at which a local district levies a property tax for district operation and
10016 maintenance expenses on the taxable value of taxable property within the district may not
10017 exceed:

10018 (a) .0008, for a basic local district;

10019 (b) .0004, for a cemetery maintenance district;

10020 (c) .0004, for a drainage district;

10021 (d) .0008, for a fire protection district;

10022 (e) .0008, for an improvement district;

10023 (f) .0005, for a metropolitan water district;

10024 (g) .0004, for a mosquito abatement district;

10025 (h) .0004, for a public transit district;

10026 (i) (i) .0023, for a service area that:
 10027 (A) is located in a county of the first class; and
 10028 (B) provides fire protection, paramedic, and emergency services; or
 10029 (ii) .0014, for each other service area;
 10030 (j) the rates provided in Section 17B-2a-1006, for a water conservancy district.
 10031 (2) Property taxes levied by a local district are excluded from the limit applicable to

10032 that district under Subsection (1) if the taxes are:
 10033 (a) levied under Section 17B-1-1103 by a local district, other than a water conservancy
 10034 district, to pay principal of and interest on general obligation bonds issued by the district;
 10035 (b) levied to pay debt and interest owed to the United States; or
 10036 (c) levied to pay assessments or other amounts due to a water users association or other
 10037 public cooperative or private entity from which the district procures water.

10038 Section 246. Section **17B-1-1101** is enacted to read:

10039 **Part 11. Local District Bonds**
 10040 **17B-1-1101. Provisions applicable to a local district's issuance of bonds.**

10041 Subject to the provisions of this part:

10042 (1) each local district that issues bonds shall:
 10043 (a) issue them as provided in Title 11, Chapter 14, Local Government Bonding Act;

10044 and

10045 (b) receive the benefits of Title 11, Chapter 30, Utah Bond Validation Act; and
 10046 (2) each local district that issues refunding bonds shall issue them as provided in Title
 10047 11, Chapter 27, Utah Refunding Bond Act.

10048 Section 247. Section **17B-1-1102** is enacted to read:

10049 **17B-1-1102. General obligation bonds.**

10050 (1) Except as provided in Subsection (3), if a district intends to issue general obligation
 10051 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at
 10052 an election held for that purpose as provided in Title 11, Chapter 14, Local Government
 10053 Bonding Act.

10054 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of
10055 the district, subject, for a water conservancy district, to the property tax levy limits of Section
10056 17B-2a-1006.

10057 (3) A district may issue refunding general obligation bonds, as provided in Title 11,
10058 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

10059 (4) (a) A local district may not issue general obligation bonds if the issuance of the
10060 bonds will cause the outstanding principal amount of all of the district's general obligation
10061 bonds to exceed the amount that results from multiplying the fair market value of the taxable
10062 property within the district, as determined under Subsection 11-14-301(3)(b), by a number that
10063 is:

- 10064 (i) .05, for a basic local district;
- 10065 (ii) .004, for a cemetery maintenance district;
- 10066 (iii) .002, for a drainage district;
- 10067 (iv) .004, for a fire protection district;
- 10068 (v) .024, for an improvement district;
- 10069 (vi) .1, for an irrigation district;
- 10070 (vii) .1, for a metropolitan water district;
- 10071 (viii) .0004, for a mosquito abatement district;
- 10072 (ix) .03, for a public transit district; or
- 10073 (x) .12, for a service area.

10074 (b) Bonds or other obligations of a local district that are not general obligation bonds
10075 are not included in the limit stated in Subsection (4)(a).

10076 (5) A district may not be considered to be a municipal corporation for purposes of the
10077 debt limitation of the Utah Constitution Article XIV, Section 4.

10078 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter
10079 13, Interlocal Cooperation Act, may not be considered to be bonds of a local district that
10080 participates in the agreement creating the administrative or legal entity.

10081 Section 248. Section **17B-1-1103** is enacted to read:

10082 **17B-1-1103. Levy to pay for general obligation bonds.**

10083 (1) (a) If a district has issued general obligation bonds, or expects to have debt service
10084 payments due on general obligation bonds during the current year, the district's board of
10085 trustees may make an annual levy of ad valorem property taxes in order to:

10086 (i) pay the principal of and interest on the general obligation bonds;

10087 (ii) establish a sinking fund for defaults and future debt service on the general
10088 obligation bonds; and

10089 (iii) establish a reserve to secure payment of the general obligation bonds.

10090 (b) A levy under Subsection (1)(a) is:

10091 (i) for a water conservancy district, subject to the limit stated in Section 17B-2a-1006;

10092 and

10093 (ii) for each other local district, without limitation as to rate or amount.

10094 (2) (a) Each district that levies a tax under Subsection (1) shall:

10095 (i) levy the tax as a separate and special levy for the specific purposes stated in
10096 Subsection (1); and

10097 (ii) apply the proceeds from the levy solely for the purpose of paying the principal of
10098 and interest on the general obligation bonds, even though the proceeds may be used to establish
10099 or replenish a sinking fund under Subsection (1)(b) or a reserve under Subsection (1)(c).

10100 (b) A levy under Subsection (2)(a) is not subject to a priority in favor of a district
10101 obligation in existence at the time the bonds were issued.

10102 Section 249. Section **17B-1-1104** is enacted to read:

10103 **17B-1-1104. Pledge of revenues to pay for bonds.**

10104 Bonds may be payable from and secured by the pledge of all or any specified part of:

10105 (1) the revenues to be derived by the district from providing its services and from the
10106 operation of its facilities and other properties;

10107 (2) sales and use taxes, property taxes, and other taxes;

10108 (3) federal, state, or local grants; and

10109 (4) other money legally available to the district.

10110 Section 250. Section **17B-1-1105** is enacted to read:

10111 **17B-1-1105. Revenue bonds -- Requirement to impose rates and charges to cover**
10112 **revenue bonds -- Authority to make agreements and covenants to provide for bond**
10113 **repayment.**

10114 (1) A local district intending to issue revenue bonds may, but is not required to, submit
10115 to district voters for their approval the issuance of the revenue bonds at an election held for that
10116 purpose as provided in Title 11, Chapter 14, Local Government Bonding Act.

10117 (2) Each local district that has issued revenue bonds shall impose rates and charges for
10118 the services or commodities it provides fully sufficient, along with other sources of district
10119 revenues, to carry out all undertakings of the district with respect to its revenue bonds.

10120 (3) A local district that issues revenue bonds may:

10121 (a) agree to pay operation and maintenance expenses of the district from the
10122 proceeds of the ad valorem taxes authorized in Subsection 17B-1-103(2)(g); and

10123 (b) for the benefit of bondholders, enter into covenants that:

10124 (i) are permitted by Title 11, Chapter 14, Local Government Bonding Act; and

10125 (ii) provide for other pertinent matters that the board of trustees considers proper to
10126 assure the marketability of the bonds.

10127 Section 251. Section **17B-1-1106** is enacted to read:

10128 **17B-1-1106. Board of trustees required to fix rates to cover district expenses and**
10129 **bonds.**

10130 The board of trustees shall fix the rate or rates for services or commodities provided by
10131 the district that will, in conjunction with the proceeds of any maintenance and operation tax
10132 and other district revenues:

10133 (1) pay the district's operating expenses;

10134 (2) provide for repairs and depreciation of works owned or operated by the district;

10135 (3) pay the interest on any bonds issued by the district; and

10136 (4) provide, as much as practicable, a sinking or other fund to pay the principal of the
10137 bonds as they become due.

10138 Section 252. Section **17B-1-1107** is enacted to read:

10139 **17B-1-1107. Ratification of previously issued bonds and previously entered**
10140 **contracts.**

10141 All bonds issued or contracts entered into by a local district before April 30, 2007 are
10142 ratified, validated, and confirmed and declared to be valid and legally binding obligations of
10143 the district in accordance with their terms.

10144 Section 253. Section **17B-1-1201** is enacted to read:

10145 **Part 12. Local District Validation Proceedings**

10146 **17B-1-1201. Definitions.**

10147 As used in this part:

10148 (1) "Eligible function" means:

10149 (a) a power conferred on a local district under this title;

10150 (b) a tax or assessment levied by a local district;

10151 (c) an act or proceeding that a local district:

10152 (i) has taken; or

10153 (ii) contemplates taking; or

10154 (d) a district contract, whether already executed or to be executed in the future,
10155 including a contract for the acquisition, construction, maintenance, or operation of works for
10156 the district.

10157 (2) "Validation order" means a court order adjudicating the validity of an eligible
10158 function.

10159 (3) "Validation petition" means a petition requesting a validation order.

10160 (4) "Validation proceedings" means judicial proceedings occurring in district court
10161 pursuant to a validation petition.

10162 Section 254. Section **17B-1-1202** is enacted to read:

10163 **17B-1-1202. Authority to file a validation petition -- Petition requirements --**
10164 **Amending or supplementing a validation petition.**

10165 (1) The board of trustees of a local district may at any time file a validation petition.

10166 (2) Each validation petition shall:
 10167 (a) describe the eligible function for which a validation order is sought;
 10168 (b) set forth:
 10169 (i) the facts upon which the validity of the eligible function is founded; and
 10170 (ii) any other information or allegations necessary to a determination of the validation
 10171 petition;
 10172 (c) be verified by the chair of the board of trustees; and
 10173 (d) be filed in the district court of the county in which the district's principal office is
 10174 located.

10175 (3) A local district may amend or supplement a validation petition:
 10176 (a) at any time before the hearing under Section 17B-1-1203; or
 10177 (b) after the hearing under Section 17B-1-1203, with permission of the court.

10178 Section 255. Section **17B-1-1203** is enacted to read:

10179 **17B-1-1203. Hearing on a validation petition.**

10180 (1) Upon the filing of a validation petition, the district court shall enter an order setting
 10181 a date, time, and place for a hearing on the validation petition.

10182 (2) A hearing under Subsection (1) may not be held less than 21 days after the filing of
 10183 the validation petition.

10184 Section 256. Section **17B-1-1204** is enacted to read:

10185 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
 10186 **supplemented validation petition.**

10187 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a
 10188 validation petition, the local district that filed the petition shall:

10189 (a) publish notice at least once a week for three consecutive weeks in a newspaper of
 10190 general circulation in the county in which the principal office of the district is located; and
 10191 (b) post notice in its principal office at least 21 days before the date set for the hearing.

10192 (2) Each notice under Subsection (1) shall:

10193 (a) state the date, time, and place of the hearing on the validation petition;

10194 (b) include a general description of the contents of the validation petition; and
10195 (c) if applicable, state the location where a complete copy of a contract that is the
10196 subject of the validation petition may be examined.

10197 (3) If a district amends or supplements a validation petition under Subsection
10198 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district
10199 is not required to publish or post notice again unless required by the court.

10200 Section 257. Section **17B-1-1205** is enacted to read:

10201 **17B-1-1205. Property owner or interested person may appear in validation**
10202 **proceedings -- Failure to appear.**

10203 (1) An owner of property within the district or a person interested in a contract or
10204 proposed contract that is the subject of a validation petition may appear and answer or
10205 otherwise plead in response to the validation petition:

10206 (a) at any time before the hearing under Section 17B-1-1203; or
10207 (b) within any additional period of time that the district court allows.

10208 (2) If a person fails to appear and answer or otherwise plead in the time allowed under
10209 Subsection (1):

10210 (a) the allegations of the validation petition shall be considered admitted by that
10211 person; and

10212 (b) that person may not participate in the validation proceedings.

10213 Section 258. Section **17B-1-1206** is enacted to read:

10214 **17B-1-1206. Validation petition hearing -- Validation proceedings.**

10215 (1) At each validation petition hearing, the court shall determine all matters and issues
10216 affecting the questions raised by the validation petition.

10217 (2) The district court shall:

10218 (a) advance each matter pertaining to validation proceedings as a matter of immediate
10219 public interest and concern; and

10220 (b) hear each matter pertaining to validation proceedings at the earliest practicable
10221 moment.

10250 For purposes of this part:

10251 (1) "Active" means, with respect to a local district, that the district is not inactive.

10252 (2) "Administrative body" means:

10253 (a) if the local district proposed to be dissolved has a duly constituted board of trustees

10254 in sufficient numbers to form a quorum, the board of trustees; or

10255 (b) except as provided in Subsection (2)(a):

10256 (i) for a local district located entirely within a single municipality, the legislative body

10257 of that municipality;

10258 (ii) for a local district located in multiple municipalities within the same county or at

10259 least partly within the unincorporated area of a county, the legislative body of that county; or

10260 (iii) for a local district located within multiple counties, the legislative body of the

10261 county whose boundaries include more of the local district than is included within the

10262 boundaries of any other county.

10263 (3) "Clerk" means:

10264 (a) the board of trustees if the board is also the administrative body under Subsection

10265 (2)(a);

10266 (b) the clerk or recorder of the municipality whose legislative body is the

10267 administrative body under Subsection (2)(b)(i); or

10268 (c) the clerk of the county whose legislative body is the administrative body under

10269 Subsection (2)(b)(ii) or (iii).

10270 (4) "Inactive" means, with respect to a local district, that during the preceding three

10271 years the district has not:

10272 (a) provided any service or otherwise operated;

10273 (b) received property taxes or user or other fees; and

10274 (c) expended any funds.

10275 Section 261. Section **17B-1-1302**, which is renumbered from Section 17B-2-702 is

10276 renumbered and amended to read:

10277 [~~17B-2-702~~]. **17B-1-1302. Local district dissolution.**

10278 A local district may be dissolved as provided in this part.

10279 Section 262. Section **17B-1-1303**, which is renumbered from Section 17B-2-703 is
10280 renumbered and amended to read:

10281 ~~[17B-2-703]~~. **17B-1-1303. Initiation of dissolution process.**

10282 The process to dissolve a local district may be initiated by:

10283 (1) for an inactive local district:

10284 (a) (i) for a local district whose board of trustees is elected by electors based on the
10285 acre-feet of water allotted to the land owned by the elector, a petition signed by the owners of
10286 25% of the acre-feet of water allotted to the land within the local district; or

10287 (ii) for all other districts:

10288 (A) a petition signed by the owners of private real property that:

10289 (I) is located within the local district proposed to be dissolved;

10290 (II) covers at least 25% of the private land area within the local district; and

10291 (III) is equal in assessed value to at least 25% of the assessed value of all private real
10292 property within the local district; or

10293 (B) a petition signed by registered voters residing within the local district proposed to
10294 be dissolved equal in number to at least 25% of the number of votes cast in the district for the
10295 office of governor at the last regular general election before the filing of the petition; or

10296 (b) a resolution adopted by the administrative body; and

10297 (2) for an active local district, a petition signed by:

10298 (a) for a local district whose board of trustees is elected by electors based on the
10299 acre-feet of water allotted to the land owned by the elector, a petition signed by the owners of
10300 100% of the acre-feet of water allotted to the land within the local district; or

10301 (b) for all other districts, the owners of 100% of the private real property located within
10302 or 100% of registered voters residing within the local district proposed to be dissolved.

10303 Section 263. Section **17B-1-1304**, which is renumbered from Section 17B-2-704 is
10304 renumbered and amended to read:

10305 ~~[17B-2-704]~~. **17B-1-1304. Petition requirements.**

10306 (1) Each petition under Subsection [~~17B-2-703~~] 17B-1-1303(1)(a) or (2) shall:
10307 (a) indicate the typed or printed name and current residence address of each owner of
10308 acre-feet of water, property owner, or registered voter signing the petition;
10309 (b) if it is a petition signed by the owners of acre-feet of water or property owners,
10310 indicate the address of the property as to which the owner is signing;
10311 (c) designate up to three signers of the petition as sponsors, one of whom shall be
10312 designated the contact sponsor, with the mailing address and telephone number of each; and
10313 (d) be filed with the clerk.
10314 (2) A signer of a petition to dissolve a local district may withdraw, or, once withdrawn,
10315 reinstate the signer's signature at any time until 30 days after the public hearing under Section
10316 [~~17B-2-706~~] 17B-1-1306.
10317 Section 264. Section **17B-1-1305**, which is renumbered from Section 17B-2-705 is
10318 renumbered and amended to read:
10319 [~~17B-2-705~~]. **17B-1-1305. Petition certification.**
10320 (1) Within 30 days after the filing of a petition under Subsection [~~17B-2-703~~]
10321 17B-1-1303(1)(a) or (2), the clerk shall:
10322 (a) with the assistance of officers of the county in which the local district is located
10323 from whom the clerk requests assistance, determine whether the petition meets the
10324 requirements of Section [~~17B-2-703~~] 17B-1-1303 and Subsection [~~17B-2-704~~] 17B-1-1304(1);
10325 and
10326 (b) (i) if the clerk determines that the petition complies with the requirements, certify
10327 the petition and mail or deliver written notification of the certification to the contact sponsor;
10328 or
10329 (ii) if the clerk determines that the petition fails to comply with any of the
10330 requirements, reject the petition and mail or deliver written notification of the rejection and the
10331 reasons for the rejection to the contact sponsor.
10332 (2) (a) If the clerk rejects a petition under Subsection (1)(b)(ii), the petition may be
10333 amended to correct the deficiencies for which it was rejected and then refiled.

10334 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be
10335 used toward fulfilling the applicable signature requirement of the petition as amended under
10336 Subsection (2)(a).

10337 (3) The clerk shall process an amended petition filed under Subsection (2)(a) in the
10338 same manner as an original petition under Subsection (1).

10339 Section 265. Section **17B-1-1306**, which is renumbered from Section 17B-2-706 is
10340 renumbered and amended to read:

10341 ~~[17B-2-706]~~. **17B-1-1306. Public hearing.**

10342 (1) For each petition certified under Section ~~[17B-2-705]~~ 17B-1-1305 and each
10343 resolution adopted under Subsection ~~[17B-2-703]~~ 17B-1-1303(1)(b), the administrative body
10344 shall hold a public hearing on the proposed dissolution.

10345 (2) Each public hearing under Subsection (1) shall be held:

10346 (a) no later than 45 days after certification of the petition under Section ~~[17B-2-705]~~
10347 17B-1-1305 or adoption of a resolution under Subsection ~~[17B-2-703]~~ 17B-1-1303(1)(b), as
10348 the case may be;

10349 (b) within the local district proposed to be dissolved;

10350 (c) on a weekday evening other than a holiday beginning no earlier than ~~[6:00]~~ 6 p.m.;

10351 and
10352 (d) for the purpose of allowing:

10353 (i) the public to ask questions and obtain further information about the proposed
10354 dissolution and issues raised by it; and

10355 (ii) any interested person to address the administrative body concerning the proposed
10356 dissolution.

10357 (3) A quorum of the administrative body shall be present throughout each public
10358 hearing under this section.

10359 Section 266. Section **17B-1-1307**, which is renumbered from Section 17B-2-707 is
10360 renumbered and amended to read:

10361 ~~[17B-2-707]~~. **17B-1-1307. Notice of public hearing and of dissolution.**

10362 (1) Before holding a public hearing required under Section [~~17B-2-706~~] 17B-1-1306,
10363 the administrative body shall:

10364 (a) (i) publish notice of the public hearing and of the proposed dissolution in a
10365 newspaper of general circulation within the local district proposed to be dissolved; and

10366 (ii) post notice of the public hearing and of the proposed dissolution in at least four
10367 conspicuous places within the local district proposed to be dissolved, no less than five and no
10368 more than 30 days before the public hearing; or

10369 (b) mail a notice to each owner of property located within the local district and to each
10370 registered voter residing within the local district.

10371 (2) Each notice required under Subsection (1) shall:

10372 (a) identify the local district proposed to be dissolved and the service it was created to
10373 provide; and

10374 (b) state the date, time, and location of the public hearing.

10375 Section 267. Section **17B-1-1308**, which is renumbered from Section 17B-2-708 is
10376 renumbered and amended to read:

10377 [~~17B-2-708~~]. **17B-1-1308. Dissolution resolution -- Limitations on**
10378 **dissolution -- Distribution of remaining assets -- Notice of dissolution to lieutenant**
10379 **governor.**

10380 (1) After the public hearing required under Section [~~17B-2-706~~] 17B-1-1306 and
10381 subject to Subsection (2), the administrative body may adopt a resolution approving dissolution
10382 of the local district.

10383 (2) A resolution under Subsection (1) may not be adopted unless:

10384 (a) any outstanding debt of the local district is:

10385 (i) satisfied and discharged in connection with the dissolution; or

10386 (ii) assumed by another governmental entity with the consent of all the holders of that
10387 debt and all the holders of other debts of the local district;

10388 (b) for a local district that has provided service during the preceding three years or
10389 undertaken planning or other activity preparatory to providing service:

10390 (i) another entity has committed to provide the same service to the area being served or
10391 proposed to be served by the local district; and

10392 (ii) all who are to receive the service have consented to the service being provided by
10393 the other entity; and

10394 (c) all outstanding contracts to which the local district is a party are resolved through
10395 mutual termination or the assignment of the district's rights, duties, privileges, and
10396 responsibilities to another entity with the consent of the other parties to the contract.

10397 (3) (a) (i) Any assets of the local district remaining after paying all debts and other
10398 obligations of the local district shall be used to pay costs associated with the dissolution
10399 process under this part.

10400 (ii) Any costs of the dissolution process remaining after exhausting the remaining
10401 assets of the local district under Subsection (3)(a)(i) shall be paid by the administrative body.

10402 (b) Any assets of the local district remaining after application of Subsection (3)(a) shall
10403 be distributed:

10404 (i) proportionately to the owners of real property within the dissolved local district if
10405 there is a readily identifiable connection between a financial burden borne by the real property
10406 owners in the district and the remaining assets; or

10407 (ii) except as provided in Subsection (3)(b)(i), to each county, city, or town in which
10408 the dissolved local district was located before dissolution in the same proportion that the land
10409 area of the local district located within the unincorporated area of the county or within the city
10410 or town bears to the total local district land area.

10411 (4) (a) Within 30 days after adopting a resolution approving dissolution of the local
10412 district, the administrative body shall file a notice with the lieutenant governor.

10413 (b) The notice required under Subsection (4)(a) shall:

10414 (i) be accompanied by a copy of the board resolution approving the dissolution; and

10415 (ii) include a certification by the administrative body that all requirements for the
10416 dissolution have been complied with.

10417 (c) Upon the lieutenant governor's issuance of the certificate of dissolution under

10418 Section 67-1a-6.5, the local district is dissolved.

10419 Section 268. Section **17B-1-1401** is enacted to read:

10420 **Part 14. Basic Local District**

10421 **17B-1-1401. Status of and provisions applicable to a basic local district.**

10422 A basic local district:

10423 (1) operates under, is subject to, and has the powers set forth in this chapter; and

10424 (2) is not subject to Chapter 2a, Provisions Applicable to Different Types of Local

10425 Districts.

10426 Section 269. Section **17B-1-1402** is enacted to read:

10427 **17B-1-1402. Board of trustees of a basic local district.**

10428 (1) As specified in a petition under Subsection 17B-1-203(1)(a) or (b) or a resolution

10429 under Subsection 17B-1-203(1)(c) or (d), the members of a board of trustees of a basic local

10430 district may be:

10431 (a) (i) elected by registered voters; or

10432 (ii) appointed by the responsible body, as defined in Section 17B-1-201; or

10433 (b) if the area of the local district contains less than one residential dwelling unit per 50

10434 acres of land at the time the resolution is adopted or the petition is filed, elected by the owners

10435 of real property within the local district based on:

10436 (i) the amount of acreage owned by property owners;

10437 (ii) the assessed value of property owned by property owners; or

10438 (iii) water rights:

10439 (A) relating to the real property within the local district;

10440 (B) that the real property owner:

10441 (I) owns; or

10442 (II) has transferred to the local district.

10443 (2) A petition under Subsection 17B-1-203(1)(a) or (b) and a resolution under

10444 Subsection 17B-1-203(1)(c) or (d) may provide for a transition from one or more methods of

10445 election or appointment under Subsection (1) to one or more other methods of election or

10446 appointment based upon milestones or events that the petition or resolution identifies.

10447 Section 270. Section **17B-2a-101** is enacted to read:

10448 **CHAPTER 2a. PROVISIONS APPLICABLE TO DIFFERENT TYPES OF LOCAL**
10449 **DISTRICTS**

10450 **Part 1. Cemetery Maintenance District Act**

10451 **17B-2a-101. Title.**

10452 (1) This chapter is known as "Provisions Applicable to Different Types of Local
10453 Districts."

10454 (2) This part is known as the "Cemetery Maintenance District Act."

10455 Section 271. Section **17B-2a-102** is enacted to read:

10456 **17B-2a-102. Provisions applicable to cemetery maintenance districts.**

10457 (1) Each cemetery maintenance district is governed by and has the powers stated in:

10458 (a) this part; and

10459 (b) Chapter 1, Provisions Applicable to All Local Districts.

10460 (2) This part applies only to cemetery maintenance districts.

10461 (3) A cemetery maintenance district is not subject to the provisions of any other part of
10462 this chapter.

10463 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
10464 Local Districts, and a provision in this part, the provision in this part governs.

10465 Section 272. Section **17B-2a-103** is enacted to read:

10466 **17B-2a-103. Limits on the creation of a cemetery maintenance district.**

10467 A cemetery maintenance district may not be created in a city of the first or second class.

10468 Section 273. Section **17B-2a-104** is enacted to read:

10469 **17B-2a-104. Cemetery maintenance district bonding authority.**

10470 A cemetery maintenance district may issue bonds as provided in and subject to Chapter
10471 1, Part 11, Local District Bonds, to carry out the purposes of the district.

10472 Section 274. Section **17B-2a-105** is enacted to read:

10473 **17B-2a-105. Additional duties of a cemetery maintenance district board of**

10474 trustees.

10475 In addition to the powers and duties of a board of trustees under Chapter 1, Part 3,
10476 Board of Trustees, each cemetery maintenance district board of trustees shall beautify,
10477 improve, and maintain each cemetery within the district.

10478 Section 275. Section **17B-2a-106** is enacted to read:

10479 **17B-2a-106. Appointment of board of trustees members -- Vacancies.**

10480 (1) If the area of a cemetery maintenance district is included entirely within the
10481 boundaries of a single municipality, each member of its board of trustees shall be appointed
10482 and each vacancy on the board of trustees shall be filled by a person appointed by the
10483 legislative body of that municipality, as provided in Section 17B-1-304.

10484 (2) For each other cemetery maintenance district, each member of its board of trustees
10485 shall be appointed and each vacancy on the board of trustees shall be filled by a person
10486 appointed by the legislative body of the county in which the district is located, as provided in
10487 Section 17B-1-304.

10488 Section 276. Section **17B-2a-107** is enacted to read:

10489 **17B-2a-107. Property within a cemetery maintenance district to be**
10490 **proportionately benefitted and equally assessed.**

10491 Each parcel of property within a cemetery maintenance district shall be:

10492 (1) benefitted by the creation of the district and by improvements made by the district,
10493 ratably with all other parcels of property within the district in proportion to the parcel's taxable
10494 value; and

10495 (2) assessed equally in proportion to its taxable value for the purpose of cemetery
10496 improvement and maintenance.

10497 Section 277. Section **17B-2a-201** is enacted to read:

10498 **Part 2. Drainage District Act**

10499 **17B-2a-201. Title.**

10500 This part is known as the "Drainage District Act."

10501 Section 278. Section **17B-2a-202** is enacted to read:

10502 **17B-2a-202. Definitions.**

10503 As used in this part:

10504 (1) "Ditch" includes a drain or natural or constructed watercourse, whether open,
10505 covered, or tiled, and whether inside or outside the drainage district.

10506 (2) "Drainage" includes the reclamation, protection, or betterment of land by leading,
10507 carrying, withholding, or pumping excess water from land through canals, ditches, pipes, or
10508 other means.

10509 Section 279. Section **17B-2a-203** is enacted to read:

10510 **17B-2a-203. Provisions applicable to drainage districts.**

10511 (1) Each drainage district is governed by and has the powers stated in:

10512 (a) this part; and

10513 (b) Chapter 1, Provisions Applicable to All Local Districts.

10514 (2) This part applies only to drainage districts.

10515 (3) A drainage district is not subject to the provisions of any other part of this chapter.

10516 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
10517 Local Districts, and a provision in this part, the provision in this part governs.

10518 Section 280. Section **17B-2a-204** is enacted to read:

10519 **17B-2a-204. Prohibition against creating a drainage district.**

10520 No new drainage district may be created.

10521 Section 281. Section **17B-2a-205** is enacted to read:

10522 **17B-2a-205. Additional drainage district powers.**

10523 In addition to the powers conferred on a drainage district under Section 17B-1-103, a
10524 drainage district may:

10525 (1) enter upon land for the purpose of examining the land or making a survey;

10526 (2) locate a necessary drainage canal with any necessary branches on land that the
10527 district's board of trustees considers best;

10528 (3) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
10529 to carry out the purposes of the district;

10530 (4) after the payment or tender of compensation allowed, go upon land to construct
10531 proposed works, and thereafter enter upon that land to maintain or repair the works;

10532 (5) appropriate water for useful and beneficial purposes;

10533 (6) regulate and control, for the benefit of landholders within the district, all water
10534 developed, appropriated, or owned by the district;

10535 (7) appropriate, use, purchase, develop, sell, and convey water and water rights in the
10536 same manner and for the same use and purposes as a private person;

10537 (8) widen, straighten, deepen, enlarge, or remove any obstruction or rubbish from any
10538 watercourse, whether inside or outside the district; and

10539 (9) if necessary, straighten a watercourse by cutting a new channel upon land not
10540 already containing the watercourse, subject to the landowner receiving compensation for the
10541 land occupied by the new channel and for any damages, as provided under the law of eminent
10542 domain.

10543 Section 282. Section **17B-2a-206** is enacted to read:

10544 **17B-2a-206. Drainage district board of trustees.**

10545 (1) Subject to Subsection (2), each member of the board of trustees of a drainage
10546 district shall be appointed by the legislative body of the county in which the district is located.

10547 (2) If a drainage district is located in more than one county, a county legislative body
10548 may not appoint more than two members.

10549 Section 283. Section **17B-2a-207** is enacted to read:

10550 **17B-2a-207. Public highways, roads, or streets or railroad rights-of-way**
10551 **benefitted by district works.**

10552 If a drainage district board of trustees determines that a public highway, road, street, or
10553 railroad right-of-way is or will be benefitted by district drainage canals or other works that have
10554 been or will be constructed:

10555 (1) the district shall assess benefits and taxes against the public highway, road, street,
10556 or railroad right-of-way in the same manner as if the highway, road, street, or railroad
10557 right-of-way were in private ownership;

10558 (2) the district may treat the highway, road, street, or railroad right-of-way the same as
10559 it would treat private land; and

10560 (3) the state or local entity having control of the public highway, road, or street or the
10561 owner of the railroad right-of-way shall pay the applicable taxes assessed against the land,
10562 whether or not it owns the fee simple title to the land covered by the highway, road, street, or
10563 railroad right-of-way.

10564 Section 284. Section **17B-2a-208** is enacted to read:

10565 **17B-2a-208. Bridge or culvert across a public highway, road, or street, or a**
10566 **railroad right-of-way -- Notice to railway authority -- Option of railway authority to**
10567 **construct bridge or culvert.**

10568 (1) (a) A drainage district may construct each necessary bridge and culvert across or
10569 under a public highway, road, street, or railroad right-of-way to enable the district to construct
10570 and maintain a canal, drain, or ditch necessary as part of the drainage system of the district.

10571 (b) Before a drainage district constructs a bridge or culvert across or under a railroad
10572 right-of-way, the district shall first give notice to the railway authority empowered to build or
10573 construct bridges and culverts.

10574 (2) (a) A railway authority may, within 30 days after the notice under Subsection (1)(b)
10575 and at its own expense, build the bridge or culvert according to its own plans.

10576 (b) Each railway authority that builds a bridge or culvert as provided in Subsection
10577 (2)(a) shall construct the bridge or culvert:

10578 (i) so as not to interfere with the free and unobstructed flow of water passing through
10579 the canal or drain; and

10580 (ii) at points that are indicated by a competent drainage engineer.

10581 Section 285. Section **17B-2a-209** is enacted to read:

10582 **17B-2a-209. State land treated the same as private land -- Consent needed to**
10583 **affect school and institutional trust land -- Owner of state land has same rights as owner**
10584 **of private land.**

10585 (1) Subject to Subsection (2), a drainage district may treat state land the same as

10586 private land with respect to the drainage of land for agricultural purposes.

10587 (2) A drainage district may not affect school or institutional trust land under this part or
10588 Chapter 1, Provisions Applicable to All Local Districts, without the consent of the director of
10589 the School and Institutional Trust Lands Administration acting in accordance with Sections
10590 53C-1-102 and 53C-1-303.

10591 (3) The state and each person holding unpatented state land under entries or contracts
10592 of purchase from the state have all the rights, privileges, and benefits under this part and
10593 Chapter 1, Provisions Applicable to All Local Districts, that a private owner of that land would
10594 have.

10595 Section 286. Section **17B-2a-210** is enacted to read:

10596 **17B-2a-210. District required to minimize damage when entering on land --**
10597 **Penalty for preventing or prohibiting a district from entering on land.**

10598 (1) When entering upon land for the purpose of constructing, maintaining, or repairing
10599 works, a drainage district may not do more damage than the necessity of the occasion requires.

10600 (2) (a) A person who willfully prevents or prohibits an agent of a drainage district from
10601 entering upon land when the district is authorized to enter the land is guilty of a class C
10602 misdemeanor.

10603 (b) (i) Each person found guilty under Subsection (2)(a) shall be fined a sum not to
10604 exceed \$25 per day for each day the person prevented or prohibited the district from entering
10605 upon land.

10606 (ii) Each fine under Subsection (2)(b)(i) shall be paid to the district.

10607 Section 287. Section **17B-2a-211** is enacted to read:

10608 **17B-2a-211. Penalty for wrongfully damaging a district work.**

10609 (1) A person who wrongfully and purposely fills, cuts, injures, destroys, or impairs the
10610 usefulness of a drain, ditch, or other work of a drainage district is guilty of a class C
10611 misdemeanor.

10612 (2) Each person who negligently, wrongfully, or purposely fills, cuts, injures, destroys,
10613 or impairs the usefulness of a drain, ditch, levee, or other work of a drainage district or

10614 obstructs or fills any natural stream or outlet used by a drainage district, whether inside or
10615 outside the district, shall be liable to the district for all resulting damages.

10616 Section 288. Section **17B-2a-301** is enacted to read:

10617 **Part 3. Fire Protection District Act**

10618 **17B-2a-301. Title.**

10619 This part is known as the "Fire Protection District Act."

10620 Section 289. Section **17B-2a-302** is enacted to read:

10621 **17B-2a-302. Prohibition against creating new fire protection districts.**

10622 No new fire protection district may be created.

10623 Section 290. Section **17B-2a-303** is enacted to read:

10624 **17B-2a-303. Provisions applicable to fire protection districts.**

10625 (1) Each fire protection district is governed by and has the powers stated in:

10626 (a) this part; and

10627 (b) Chapter 1, Provisions Applicable to All Local Districts.

10628 (2) This part applies only to fire protection districts.

10629 (3) A fire protection district is not subject to the provisions of any other part of this
10630 chapter.

10631 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
10632 Local Districts, and a provision in this part, the provision in this part governs.

10633 Section 291. Section **17B-2a-304** is enacted to read:

10634 **17B-2a-304. Additional fire protection district power.**

10635 In addition to the powers conferred on a fire protection district under Section
10636 17B-1-103, a fire protection district may issue bonds as provided in and subject to Chapter 1,
10637 Part 11, Local District Bonds, to carry out the purposes of the district.

10638 Section 292. Section **17B-2a-305** is enacted to read:

10639 **17B-2a-305. Fire protection districts board of trustees -- Board of a countywide**
10640 **district -- Validation of previous boards.**

10641 (1) Except as provided in Subsection (2), the board of trustees of a fire protection

10642 district may be appointed or elected, as provided in the documents establishing the district.

10643 (2) If the area of a fire protection district consists of all the area of a single county
10644 excluding the area of all first and second class cities in the county, the legislative body of that
10645 county shall constitute the board of trustees of the fire protection district.

10646 (3) The composition and method of appointing or electing board of trustees members
10647 of each fire protection district existing on April 30, 2007 are validated, ratified, and confirmed.

10648 Section 293. Section **17B-2a-306** is enacted to read:

10649 **17B-2a-306. Offices of a fire protection district board of trustees and principal**
10650 **place of business.**

10651 Each office of a fire protection district board of trustees and each principal place of
10652 business of a fire protection district shall be within:

10653 (1) the district; or

10654 (2) the county in which the district is located and as near as possible to the district.

10655 Section 294. Section **17B-2a-401** is enacted to read:

10656 **Part 4. Improvement District Act**

10657 **17B-2a-401. Title.**

10658 This part is known as the "Improvement District Act."

10659 Section 295. Section **17B-2a-402** is enacted to read:

10660 **17B-2a-402. Provisions applicable to improvement districts.**

10661 (1) Each improvement district is governed by and has the powers stated in:

10662 (a) this part; and

10663 (b) Chapter 1, Provisions Applicable to All Local Districts.

10664 (2) This part applies only to improvement districts.

10665 (3) An improvement district is not subject to the provisions of any other part of this
10666 chapter.

10667 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
10668 Local Districts, and a provision in this part, the provision in this part governs.

10669 Section 296. Section **17B-2a-403**, which is renumbered from Section 17A-2-301 is

10670 renumbered and amended to read:

10671 ~~[17A-2-301]~~. **17B-2a-403. Additional improvement district powers.**

10672 (1) ~~[(a) An]~~ In addition to the powers conferred on an improvement district under
10673 Section 17B-1-103, an improvement district may:

10674 (a) acquire through construction, purchase, gift, or condemnation, or any combination
10675 of these methods, and may operate all or any part of:

10676 (i) a system for the supply, treatment, and distribution of water;

10677 (ii) a system for the collection, treatment, and disposition of sewage;

10678 (iii) a system for the collection, retention, and disposition of storm and flood waters;

10679 (iv) a system for the generation, distribution, and sale of electricity, subject to Section
10680 17B-2a-406; and

10681 (v) a system for the transmission of natural or manufactured gas if the system is:

10682 (A) connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as
10683 defined in Section 54-2-1, regulated under Section 54-4-1; and

10684 (B) to be used to facilitate gas utility service within the district if the gas utility service
10685 is not available within the district prior to the acquisition or construction of the system[-];

10686 (b) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
10687 to carry out the purposes of the district;

10688 (c) appropriate or otherwise acquire water and water rights inside or outside its
10689 boundaries;

10690 (d) sell water or other services to consumers residing outside its boundaries;

10691 (e) enter into a contract with a gas corporation regulated under Section 54-4-1 to
10692 provide for the operation or maintenance of all or part of a system for the transmission of

10693 natural or manufactured gas or to lease or sell all or a portion of that system to a gas
10694 corporation;

10695 (f) enter into a contract with a person for:

10696 (i) the purchase or sale of water or electricity;

10697 (ii) the use of any facility owned by the person; or

10698 (iii) the purpose of handling the person's industrial and commercial waste and sewage;
10699 (g) require pretreatment of industrial and commercial waste and sewage; and
10700 (h) impose a penalty or surcharge against a public entity or other person with which the
10701 district has entered into a contract for the construction, acquisition, or operation of all or a part
10702 of a system for the collection, treatment, and disposal of sewage, if the public entity or other
10703 person fails to comply with the provisions of the contract.

10704 ~~[(b)]~~ (2) The new gas utility service under Subsection (1)(a)(v)(B) shall be provided by
10705 a gas corporation regulated under Section 54-4-1 and not by the district.

10706 ~~[(2)(a)(i) Subject to Subsection (2)(a)(ii), the area of a district under this part may~~
10707 ~~include all or part of any county or counties, including all or any part of any incorporated~~
10708 ~~municipalities, other incorporated areas, and unincorporated areas, as the needs of the~~
10709 ~~inhabitants of the proposed districts may appear.]~~

10710 ~~[(ii) Notwithstanding Subsection (2)(a)(i), the addition of any territory to a district~~
10711 ~~under this part shall, on and after June 1, 2001 and as provided in Subsection~~
10712 ~~17A-2-101.3(1)(a)(i), be governed by Title 17B, Chapter 2, Part 5, Annexation.]~~

10713 ~~[(b) The boundaries of a district authorized under this part do not need to be~~
10714 ~~contiguous.]~~

10715 ~~[(3) If an improvement district authorized under this part was created solely for the~~
10716 ~~purpose of acquiring a system for the collection, retention, or disposition of storm and flood~~
10717 ~~waters, the county legislative body that created the district may, in its discretion and despite~~
10718 ~~anything to the contrary in Section 17A-2-305, act as the board of trustees of the district for so~~
10719 ~~long as it considers desirable.]~~

10720 (3) An improvement district may not begin to provide sewer service to an area where
10721 sewer service is already provided by an existing sewage collection system operated by a
10722 municipality or other political subdivision unless the municipality or other political subdivision
10723 gives its written consent.

10724 Section 297. Section **17B-2a-404** is enacted to read:

10725 **17B-2a-404. Improvement district board of trustees.**

10726 (1) As used in this section:

10727 (a) "County district" means an improvement district that does not include within its
10728 boundaries any territory of a municipality.

10729 (b) "County member" means a member of a board of trustees of a county district.

10730 (c) "Electric district" means an improvement district that was created for the purpose of
10731 providing electric service.

10732 (d) "Included municipality" means a municipality whose boundaries are entirely
10733 contained within but do not coincide with the boundaries of an improvement district.

10734 (e) "Municipal district" means an improvement district whose boundaries coincide with
10735 the boundaries of a single municipality.

10736 (f) "Regular district" means an improvement district that is not a county district,
10737 electric district, or municipal district.

10738 (g) "Remaining area" means the area of a regular district that:

10739 (i) is outside the boundaries of an included municipality; and

10740 (ii) includes the area of an included municipality whose legislative body elects, under
10741 Subsection (4)(a)(i)(B), not to appoint a member to the board of trustees of the regular district.

10742 (h) "Remaining area member" means a member of a board of trustees of a regular
10743 district who is appointed, or, if applicable, elected to represent the remaining area of the
10744 district.

10745 (2) The legislative body of the municipality included within a municipal district may:

10746 (a) elect, at the time of the creation of the district, to be the board of trustees of the
10747 district; and

10748 (b) adopt at any time a resolution providing for:

10749 (i) the election of board of trustees members, as provided in Section 17B-1-306; or

10750 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

10751 (3) The legislative body of a county whose unincorporated area is partly or completely
10752 within a county district may:

10753 (a) elect, at the time of the creation of the district, to be the board of trustees of the

10754 district; and
10755 (b) adopt at any time a resolution providing for:
10756 (i) the election of board of trustees members, as provided in Section 17B-1-306; or
10757 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.
10758 (4) (a) (i) (A) Except as provided in Subsections (4)(a)(i)(B) and (ii), the legislative
10759 body of each included municipality shall each appoint one member to the board of trustees of a
10760 regular district.
10761 (B) The legislative body of an included municipality may elect not to appoint a
10762 member to the board under Subsection (4)(a)(i)(A).
10763 (ii) If municipalities are combined under Subsection (6)(b)(i), the legislative bodies of
10764 the combined municipalities shall collectively appoint one member to the board of trustees, as
10765 provided in Section 17B-1-304.
10766 (b) Except as provided in Subsection (5), the legislative body of each county whose
10767 boundaries include a remaining area shall appoint all other members to the board of trustees of
10768 a regular district.
10769 (5) Each remaining area member of a regular district and each county member of a
10770 county district shall be elected, as provided in Section 17B-1-306, if:
10771 (a) the petition or resolution initiating the creation of the district provides for remaining
10772 area or county members to be elected;
10773 (b) the district holds an election to approve the district's issuance of bonds;
10774 (c) for a regular district, an included municipality elects, under Subsection (4)(a)(i)(B),
10775 not to appoint a member to the board of trustees; or
10776 (d) (i) at least 90 days before the municipal general election, a petition is filed with the
10777 district's board of trustees requesting remaining area members or county members, as the case
10778 may be, to be elected; and
10779 (ii) the petition is signed by registered voters within the remaining area or county
10780 district, as the case may be, equal in number to at least 10% of the number of registered voters
10781 within the remaining area or county district, respectively, who voted in the last gubernatorial

10782 election.

10783 (6) (a) Subject to Section 17B-1-302, the number of members of a board of trustees of

10784 a regular district shall be:

10785 (i) the number of included municipalities within the district, if:

10786 (A) the number is an odd number; and

10787 (B) the district does not include a remaining area;

10788 (ii) the number of included municipalities plus one, if the number of included

10789 municipalities within the district is even;

10790 (iii) the number of included municipalities plus two, if:

10791 (A) the number of included municipalities is odd; and

10792 (B) the district includes a remaining area.

10793 (b) (i) If the number of board members under Subsection (6)(a) exceeds nine, then,

10794 except as provided in Subsection (6)(b)(ii):

10795 (A) the number of members shall be nine; and

10796 (B) the least populated included municipalities shall be combined for purposes of

10797 representation to the extent necessary to result in nine members.

10798 (ii) Application of Subsection (6)(b)(i) may not cause an included municipality to lose

10799 its separate representation on the board until the end of the term of the board member

10800 appointed by that municipality.

10801 (7) (a) Except as provided in Subsection (7)(b), each remaining area member of the

10802 board of trustees of a regular district shall reside within the remaining area.

10803 (b) Notwithstanding Subsection (7)(a), if the population of the remaining area is less

10804 than 5% of the total district population, each remaining area member shall be chosen from the

10805 district at large.

10806 (8) If the election of remaining area or county members of the board of trustees is

10807 required because of a bond election, as provided in Subsection (5)(b):

10808 (a) a person may file a declaration of candidacy if:

10809 (i) the person resides within:

10810 (A) the remaining area, for a regular district; or
10811 (B) the county district, for a county district; and
10812 (ii) otherwise qualifies as a candidate;
10813 (b) the board of trustees shall, if required, provide a ballot separate from the bond
10814 election ballot, containing the names of candidates and blanks in which a voter may write
10815 additional names; and
10816 (c) the election shall otherwise be governed by Title 20A, Election Code.
10817 (9) (a) (i) This Subsection (9) applies to the board of trustees members of an electric
10818 district.
10819 (ii) Subsections (2) through (8) do not apply to an electric district.
10820 (b) The legislative body of the county in which an electric district is located may
10821 appoint the initial board of trustees of the electric district as provided in Section 17B-1-304.
10822 (c) After the initial board of trustees is appointed as provided in Subsection (9)(b), each
10823 member of the board of trustees of an electric district shall be elected by persons using
10824 electricity from and within the district.
10825 (d) Each member of the board of trustees of an electric district shall be a user of
10826 electricity from the district and, if applicable, the division of the district from which elected.
10827 (e) The board of trustees of an electric district may be elected from geographic
10828 divisions within the district.
10829 (f) A municipality within an electric district is not entitled to automatic representation
10830 on the board of trustees.
10831 Section 298. Section **17B-2a-405** is enacted to read:
10832 **17B-2a-405. Board of trustees of certain sewer improvement districts.**
10833 (1) As used in this section:
10834 (a) "Jurisdictional boundaries" means:
10835 (i) for a qualified county, the boundaries that include:
10836 (A) the area of the unincorporated part of the county that is included within a sewer
10837 improvement district; and

10838 (B) the area of each nonappointing municipality that is included within the sewer
10839 improvement district; and
10840 (ii) for a qualified municipality, the boundaries that include the area of the municipality
10841 that is included within a sewer improvement district.
10842 (b) "Nonappointing municipality" means a municipality that:
10843 (i) is partly included within a sewer improvement district; and
10844 (ii) is not a qualified municipality.
10845 (c) "Qualified county" means a county:
10846 (i) some or all of whose unincorporated area is included within a sewer improvement
10847 district; or
10848 (ii) which includes within its boundaries a nonappointing municipality.
10849 (d) "Qualified county member" means a member of a board of trustees of a sewer
10850 improvement district appointed under Subsection (3)(a)(ii).
10851 (e) "Qualified municipality" means a municipality that is partly or entirely included
10852 within a sewer improvement district that includes:
10853 (i) all of the municipality that is capable of receiving sewage treatment service from the
10854 sewer improvement district; and
10855 (ii) more than half of:
10856 (A) the municipality's land area; or
10857 (B) the assessed value of all private real property within the municipality.
10858 (f) "Qualified municipality member" means a member of a board of trustees of a sewer
10859 improvement district appointed under Subsection (3)(a)(i).
10860 (g) "Sewer improvement district" means an improvement district that:
10861 (i) provides sewage collection, treatment, and disposal service; and
10862 (ii) made an election under Chapter 29, Laws of Utah 1953 to enable it to continue to
10863 appoint its board of trustees members as provided in this section.
10864 (2) (a) Notwithstanding Section 17B-2a-404, the board of trustees members of a sewer
10865 improvement district shall be appointed as provided in this section.

10866 (b) The board of trustees of a sewer improvement district may revoke the election
10867 under Subsection (1)(d)(ii) and become subject to the provisions of Section 17B-2a-404 only
10868 by the unanimous vote of all members of the sewer improvement district's board of trustees at a
10869 time when there is no vacancy on the board.

10870 (3) (a) The board of trustees of each sewer improvement district shall consist of:

10871 (i) at least one person but not more than three persons appointed by the mayor of each
10872 qualified municipality, with the consent of the legislative body of that municipality; and

10873 (ii) at least one person but not more than three persons appointed by:

10874 (A) the county executive, with the consent of the county legislative body, for a
10875 qualified county operating under a county executive-council form of county government; or

10876 (B) the county legislative body, for each other qualified county.

10877 (b) Each qualified county member appointed under Subsection (3)(a)(ii) shall represent
10878 the area within the jurisdictional boundaries of the qualified county.

10879 (4) Notwithstanding Subsection 17B-1-302(2), the number of board of trustees
10880 members of a sewer improvement district shall be the number that results from application of
10881 Subsection (3)(a).

10882 (5) Except as provided in this section, an appointment to the board of trustees of a
10883 sewer improvement district is governed by Section 17B-1-304.

10884 (6) A quorum of a board of trustees of a sewer improvement district consists of
10885 members representing more than 50% of the total number of qualified county and qualified
10886 municipality votes under Subsection (7).

10887 (7) (a) Subject to Subsection (7)(b), each qualified county and each qualified
10888 municipality is entitled to one vote on the board of trustees of a sewer improvement district for
10889 each \$10,000,000, or fractional part larger than 1/2 of that amount, of assessed valuation of
10890 private real property taxable for district purposes within the respective jurisdictional
10891 boundaries, as shown by the assessment records of the county and evidenced by a certificate of
10892 the county auditor.

10893 (b) Notwithstanding Subsection (7)(a), each qualified county and each qualified

10894 municipality shall have at least one vote.

10895 (8) If a qualified county or qualified municipality appoints more than one board
 10896 member, all the votes to which the qualified county or qualified municipality is entitled under
 10897 Subsection (7) for an item of board business shall collectively be cast by a majority of the
 10898 qualified county members or qualified municipal members, respectively, present at a meeting
 10899 of the board of trustees.

10900 Section 299. Section **17B-2a-406**, which is renumbered from Section 17A-2-302 is
 10901 renumbered and amended to read:

10902 ~~[17A-2-302].~~ **17B-2a-406. Improvement districts providing electric service**
 10903 **-- Public Service Commission jurisdiction -- Exceptions.**

10904 ~~[(1) An electric service district may only include an area where:]~~

10905 ~~[(a) no retail electricity has been provided to commercial, industrial, residential, and~~
 10906 ~~other users of electricity from an investor-owned utility within any part of an area certificated~~
 10907 ~~by the Public Service Commission or an area adjacent to that area, municipal agency, or~~
 10908 ~~electric cooperative within the five years immediately preceding September 1, 1985; and]~~

10909 ~~[(b) electric service is provided to at least one user of electricity within the electric~~
 10910 ~~service district as of September 1, 1985.]~~

10911 ~~[(2)]~~ (1) (a) An improvement district that provides electric service [~~district organized~~
 10912 ~~under this part]~~ as authorized under Subsection 17B-2a-403(1)(d) is a public utility and subject
 10913 to the jurisdiction of the Public Service Commission.

10914 (b) Nothing in this part may be construed to give the Public Service Commission
 10915 jurisdiction over [~~any~~]:

10916 (i) an improvement district, other than an improvement district that provides electric
 10917 service [~~district organized under this part, or over any~~] as authorized under Subsection
 10918 17B-2a-403(1)(a)(iv); or

10919 (ii) a municipality or an association of municipalities organized under [~~the~~] Title 11,
 10920 Chapter 13, Interlocal Cooperation Act.

10921 (c) Before an improvement district providing electric service [~~district~~] serves any

10922 customer, the ~~[electric service]~~ improvement district shall obtain a certificate of public
 10923 convenience and necessity from the Public Service Commission.

10924 ~~[(3)]~~ (2) (a) Section 54-7-12 does not apply to rate changes of an improvement district
 10925 that provides electric service ~~[district subject to the following]~~ as authorized under Subsection
 10926 17B-2a-403(1)(a)(iv) if:

10927 ~~[(a)]~~ (i) the ~~[electric service]~~ district is organized for the purpose of distributing
 10928 electricity to customers within the boundaries of the ~~[electric service]~~ district on a not-for-profit
 10929 basis;

10930 ~~[(b)]~~ (ii) the schedule of new rates or other change that results in new rates has been
 10931 approved by the board of ~~[directors]~~ trustees of the ~~[electric service]~~ district;

10932 ~~[(c)]~~ (iii) prior to the implementation of any rate increases, the ~~[electric service]~~ district
 10933 first holds a public meeting for all its customers to whom mailed notice of the meeting is sent
 10934 ~~[not less than]~~ at least ten days prior to the meeting; and

10935 ~~[(d)]~~ (iv) the ~~[electric service]~~ district has filed the schedule of new rates or other
 10936 change with the ~~[commission]~~ Public Service Commission. ~~[These documents shall be made~~
 10937 ~~available by the commission for public inspection.]~~

10938 ~~[(4) If an application for certification is not filed by an electric service district~~
 10939 ~~organized under this part and approved by the Public Service Commission by September 1,~~
 10940 ~~1986, all provisions in this part relating to electric service districts are repealed.]~~

10941 (b) The Public Service Commission shall make the district's schedule of new rates or
 10942 other change available for public inspection.

10943 Section 300. Section **17B-2a-501** is enacted to read:

10944 **Part 5. Irrigation District Act**

10945 **17B-2a-501. Title.**

10946 This part is known as the "Irrigation District Act."

10947 Section 301. Section **17B-2a-502** is enacted to read:

10948 **17B-2a-502. Provisions applicable to irrigation districts.**

10949 (1) Each irrigation district is governed by and has the powers stated in:

- 10950 (a) this part; and
- 10951 (b) Chapter 1, Provisions Applicable to All Local Districts.
- 10952 (2) This part applies only to irrigation districts.
- 10953 (3) An irrigation district is not subject to the provisions of any other part of this
- 10954 chapter.
- 10955 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
- 10956 Local Districts, and a provision in this part, the provision in this part governs.
- 10957 Section 302. Section **17B-2a-503** is enacted to read:
- 10958 **17B-2a-503. Additional irrigation districts powers -- No authority to levy property**
- 10959 **tax.**
- 10960 (1) In addition to the powers conferred on an irrigation district under Section
- 10961 17B-1-103, an irrigation district may:
- 10962 (a) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
- 10963 to carry out the purposes of the district;
- 10964 (b) purchase stock of an irrigation, canal, or reservoir company;
- 10965 (c) enter upon any land in the district to make a survey and to locate and construct a
- 10966 canal and any necessary lateral;
- 10967 (d) convey water rights or other district property to the United States as partial or full
- 10968 consideration under a contract with the United States;
- 10969 (e) pursuant to a contract with the United States, lease or rent water to private land, an
- 10970 entryman, or a municipality in the neighborhood of the district;
- 10971 (f) if authorized under a contract with the United States, collect money on behalf of the
- 10972 United States in connection with a federal reclamation project and assume the incident duties
- 10973 and liabilities;
- 10974 (g) acquire water from inside or outside the state;
- 10975 (h) subject to Subsection (2), lease, rent, or sell water not needed by the owners of land
- 10976 within the district;
- 10977 (i) to a municipality, corporation, association, or individual inside or outside the

10978 district;
10979 (ii) for irrigation or any other beneficial use; and
10980 (iii) at a price and on terms that the board considers appropriate; and
10981 (i) repair a break in a reservoir or canal or remedy any other district disaster.
10982 (2) (a) The term of a lease or rental agreement under Subsection (1)(h) may not exceed
10983 five years.
10984 (b) A vested or prescriptive right to the use of water may not attach to the land because
10985 of a lease or rental of water under Subsection (1)(h).
10986 (3) Notwithstanding Subsection 17B-1-103(2)(g), an irrigation district may not levy a
10987 property tax.
10988 Section 303. Section **17B-2a-504** is enacted to read:
10989 **17B-2a-504. Irrigation district board of trustees -- Bond for board of trustees**
10990 **members and district if the district is appointed as fiscal or other agent for the United**
10991 **States.**
10992 (1) (a) One board of trustees member shall be elected from each division established as
10993 provided in Section 17B-2a-505.
10994 (b) Each landowner within an irrigation district may vote for one board of trustees
10995 member for the division in which the landowner's land is located.
10996 (c) Each landowner is entitled to cast one vote for each acre-foot or fraction of an
10997 acre-foot of water allotted to the land owned by the landowner.
10998 (2) (a) If an irrigation district is appointed fiscal agent of the United States or is
10999 authorized by the United States to collect money on behalf of the United States with respect to
11000 a federal project:
11001 (i) each member of the district's board of trustees shall:
11002 (A) execute an official bond in the amount required by the Secretary of the Interior,
11003 conditioned upon the faithful discharge of the trustee's duties; and
11004 (B) file the official bond in the office of the clerk of the county in which the district is
11005 located; and

11006 (ii) the irrigation district shall execute an additional bond for the district's faithful
11007 discharge of its duties as fiscal or other agent of the United States.

11008 (b) The United States or any person injured by the failure of a member of the board of
11009 trustees or of the district to perform fully, promptly, and completely a duty may sue upon the
11010 official bond.

11011 Section 304. Section **17B-2a-505** is enacted to read:

11012 **17B-2a-505. Divisions.**

11013 (1) The board of trustees of each irrigation district shall divide the district into
11014 divisions, each as nearly equal in size to the others as practicable.

11015 (2) The number of divisions shall be equal to the number of board of trustees members.

11016 (3) At least 30 days before an election of board of trustees members, the board shall
11017 redivide the district into divisions if, since the last time the board divided the district into
11018 divisions:

11019 (a) the district has annexed land under Chapter 1, Part 4, Annexation;

11020 (b) land has been withdrawn from the district under Chapter 1, Part 5, Withdrawal; or

11021 (c) the number of board of trustees members has been changed.

11022 Section 305. Section **17B-2a-506** is enacted to read:

11023 **17B-2a-506. Different use charges for different units -- Use charges based on the**
11024 **size of the land served -- Use charge may not be based on property value.**

11025 (1) An irrigation district may:

11026 (a) divide the district into units and apply different use charges to the different units;
11027 and

11028 (b) base use charges upon the amount of water or electricity the district provides, the
11029 area of the land served, or any other reasonable basis, as determined by the board of trustees.

11030 (2) If an irrigation district imposes a use charge based on the size of the land served:

11031 (a) the district shall notify the treasurer of the county in which the land is located of the
11032 charge to be imposed for each parcel of land served by the district; and

11033 (b) the treasurer of the county in which the land is located:

- 11034 (i) shall:
- 11035 (A) provide each landowner a notice of use charges as part of the annual tax notice as
- 11036 an additional charge separate from ad valorem taxes;
- 11037 (B) collect, receive, and provide an accounting for all money belonging to the district
- 11038 from use charges; and
- 11039 (C) remit to the irrigation district, by the tenth day of each month, the funds previously
- 11040 collected by the county as use charges on the district's behalf; and
- 11041 (ii) may receive and account for use charges separately from taxes upon real estate for
- 11042 county purposes.
- 11043 (3) A use charge may not be calculated on the basis of property value and does not
- 11044 constitute an ad valorem property tax or other tax.

11045 Section 306. Section **17B-2a-507** is enacted to read:

11046 **17B-2a-507. Right-of-way over state land.**

11047 Each irrigation district has a right-of-way on land that is or becomes the property of the

11048 state to locate, construct, and maintain district works.

11049 Section 307. Section **17B-2a-508** is enacted to read:

11050 **17B-2a-508. Inclusion of state land in an irrigation district.**

11051 (1) State land that is not under a contract of sale may be included in an irrigation

11052 district upon petition by the state entity responsible for the administration of the land.

11053 (2) State land included in an irrigation district may not be:

11054 (a) assessed by the district; or

11055 (b) the subject of use charges imposed by the district.

11056 (3) The entity responsible for the administration of the state land to be included in an

11057 irrigation district and the state engineer shall make a thorough examination of the benefits to

11058 accrue to the land by its inclusion in the district and by the acquisition of water rights for the

11059 land.

11060 (4) (a) The entity responsible for the administration of the state land to be included in

11061 an irrigation district may enter into a contract with the district, specifying the land benefitted

11062 and the amount of benefit, as determined under Subsection (3).

11063 (b) Each contract under Subsection (4)(a) shall provide that the entity responsible for
11064 the administration of the state land shall make annual payments to the district, to be applied to
11065 the cost of constructing the district's irrigation works, until the full amount of the benefit is
11066 paid.

11067 (c) The entity responsible for the administration of state land included in an irrigation
11068 district may, at its option, pay the full amount of the contract at any time.

11069 Section 308. Section **17B-2a-509** is enacted to read:

11070 **17B-2a-509. State engineer not prohibited from increasing water allotment.**

11071 Nothing in this part may be construed to prohibit the state engineer, upon petition by an
11072 irrigation district board of trustees, from increasing the maximum allotment of water for one or
11073 more tracts of land within the district if the state engineer determines that the land cannot be
11074 beneficially irrigated with the currently allotted water.

11075 Section 309. Section **17B-2a-510** is enacted to read:

11076 **17B-2a-510. Rules for the distribution and use of water.**

11077 (1) Each irrigation district board of trustees shall establish equitable rules for the
11078 distribution and use of water among the owners of land in the district.

11079 (2) The board of trustees of an irrigation district that establishes rules under Subsection
11080 (1) shall, as soon as the rules are adopted, print them in convenient form for distribution in the
11081 district.

11082 Section 310. Section **17B-2a-511** is enacted to read:

11083 **17B-2a-511. Distribution of water under a contract with the United States.**

11084 If an irrigation district acquires the right to use water under a contract with the United
11085 States, the district shall distribute and apportion water according to the contract and federal
11086 law, rules, and regulations.

11087 Section 311. Section **17B-2a-512** is enacted to read:

11088 **17B-2a-512. Removal of land from the assessor's roll.**

11089 (1) An irrigation district may direct a county treasurer to remove parcels of land from

11090 the district's billing if:

11091 (a) the land is publicly dedicated to a street, highway, or road; or

11092 (b) the use of the land has so permanently changed as to prevent the beneficial use of
11093 water on it.

11094 (2) Each county treasurer shall comply with the direction of an irrigation district under
11095 Subsection (1).

11096 Section 312. Section **17B-2a-513** is enacted to read:

11097 **17B-2a-513. Temporary application of water to land.**

11098 (1) Upon the written application of the owner of land that has no water allotment or an
11099 insufficient water allotment, an irrigation district board of trustees may temporarily permit
11100 water to be applied to the land and charge the owner for that water.

11101 (2) Subsection (1) may not be construed to affect an irrigation district's permanent
11102 water allotments.

11103 Section 313. Section **17B-2a-514** is enacted to read:

11104 **17B-2a-514. Assignment of the right to water.**

11105 With the consent of the irrigation district board of trustees, a landowner in the district
11106 may assign the right to some or all of the water apportioned to the landowner's land for any one
11107 year to another bona fide landowner in the district for use in the district, if all charges for the
11108 water have been paid.

11109 Section 314. Section **17B-2a-515** is enacted to read:

11110 **17B-2a-515. Distribution of water when supply is inadequate.**

11111 If an irrigation district's water supply is not sufficient to supply all the needs within the
11112 district, the board of trustees may distribute water as the board considers best for all concerned,
11113 subject to distribution and apportionment requirements of a district contract with the United
11114 States and applicable federal law, rule, and regulation.

11115 Section 315. Section **17B-2a-516** is enacted to read:

11116 **17B-2a-516. Diversions of water subject to eminent domain law.**

11117 Nothing in this part may be construed to authorize any person to divert the water of a

11118 river, creek, stream, canal, or reservoir to the detriment of anyone having a prior right to the
11119 water, unless compensation is previously determined and paid according to the laws of eminent
11120 domain.

11121 Section 316. Section **17B-2a-601** is enacted to read:

11122 **Part 6. Metropolitan Water District Act**

11123 **17B-2a-601. Title.**

11124 This part is known as the "Metropolitan Water District Act."

11125 Section 317. Section **17B-2a-602** is enacted to read:

11126 **17B-2a-602. Provisions applicable to metropolitan water districts.**

11127 (1) Each metropolitan water district is governed by and has the powers stated in:

11128 (a) this part; and

11129 (b) Chapter 1, Provisions Applicable to All Local Districts.

11130 (2) This part applies only to metropolitan water districts.

11131 (3) A metropolitan water district is not subject to the provisions of any other part of
11132 this chapter.

11133 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
11134 Local Districts, and a provision in this part, the provision in this part governs.

11135 Section 318. Section **17B-2a-603** is enacted to read:

11136 **17B-2a-603. Additional metropolitan water district powers.**

11137 In addition to the powers conferred on a metropolitan water district under Section
11138 17B-1-103, a metropolitan water district may:

11139 (1) acquire or lease any real or personal property or acquire any interest in real or
11140 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or
11141 outside the district or inside or outside the state;

11142 (2) encumber real or personal property or an interest in real or personal property that
11143 the district owns;

11144 (3) acquire or construct works, facilities, and improvements, as provided in Subsection
11145 17B-1-103(2)(d), whether inside or outside the district or inside or outside the state;

11146 (4) acquire water, works, water rights, and sources of water necessary or convenient to
11147 the full exercise of the district's powers, whether the water, works, water rights, or sources of
11148 water are inside or outside the district or inside or outside the state, and encumber, transfer an
11149 interest in, or dispose of water, works, water rights, and sources of water;

11150 (5) develop, store, and transport water;

11151 (6) provide, sell, lease, and deliver water inside or outside the district for any lawful
11152 beneficial use;

11153 (7) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
11154 to carry out the purposes of the district; and

11155 (8) subscribe for, purchase, lease, or otherwise acquire stock in a canal company,
11156 irrigation company, water company, or water users association, for the purpose of acquiring the
11157 right to use water or water infrastructure.

11158 Section 319. Section **17B-2a-604** is enacted to read:

11159 **17B-2a-604. Metropolitan water district board of trustees.**

11160 (1) Members of the board of trustees of a metropolitan water district shall be appointed
11161 as provided in this section.

11162 (2) If a district contains the area of a single municipality:

11163 (a) the legislative body of that municipality shall appoint each member of the board of
11164 trustees; and

11165 (b) one member shall be the officer with responsibility over the municipality's water
11166 supply and distribution system, if the system is municipally owned.

11167 (3) If a district contains some or all of the retail water service area of more than one
11168 municipality:

11169 (a) the legislative body of each municipality shall appoint the number of members for
11170 that municipality as determined under Subsection (3)(b):

11171 (b) subject to Subsection (3)(c), the number of members appointed by each
11172 municipality shall be determined:

11173 (i) by agreement between the metropolitan water district and the municipalities, subject

11174 to the maximum stated in Subsection 17B-1-302(2); or
11175 (ii) as provided in Chapter 1, Part 3, Board of Trustees; and
11176 (c) at least one member shall be appointed by each municipality.
11177 (4) Each member of the board of trustees of a metropolitan water district shall be:
11178 (a) a registered voter;
11179 (b) a property taxpayer; and
11180 (c) a resident of:
11181 (i) the metropolitan water district; and
11182 (ii) the retail water service area of the municipality whose legislative body appoints the
11183 member.
11184 (5) Each trustee shall be appointed without regard to partisan political affiliations from
11185 among citizens of the highest integrity, attainment, competence, and standing in the
11186 community.
11187 (6) Except as provided in Subsection (8), if a member becomes elected or appointed to
11188 office in or becomes an employee of the municipality whose legislative body appointed the
11189 member, the member shall immediately forfeit the office, and the member's position on the
11190 board is vacant until filled as provided in Section 17B-1-304.
11191 (7) Except as provided in Subsection (8), the term of office of each member of the
11192 board of trustees is as provided in Section 17B-1-303.
11193 (8) Subsections (4), (6), and (7) do not apply to a member who is a member under
11194 Subsection (2)(b).
11195 Section 320. Section **17B-2a-605** is enacted to read:
11196 **17B-2a-605. Preferential rights of cities.**
11197 (1) Each city whose area is within a metropolitan water district and that provides water
11198 on a retail level within the district has a preferential right to purchase from the district a portion
11199 of the water served by the district.
11200 (2) Except as otherwise provided by contract between a metropolitan water district and
11201 the city, the percentage of the total district water supply that a city has a preferential right to

11202 purchase under Subsection (1) is the same percentage as the total amount of taxes levied by the
 11203 district against property within the city's retail water service area is of the total of all taxes
 11204 levied by the district against all property within the district.

11205 (3) (a) Nothing in this section may be construed to limit the ability of a metropolitan
 11206 water district to establish preferential rights by contract with a city that has preferential rights
 11207 under this section.

11208 (b) Each agreement described in Subsection (3)(a) entered into before April 30, 2007 is
 11209 ratified, validated, and confirmed.

11210 Section 321. Section **17B-2a-606** is enacted to read:

11211 **17B-2a-606. Rates, charges, and assessments.**

11212 (1) (a) The board of trustees may fix the rates, charges, and assessments, from time to
 11213 time, at which the district:

11214 (i) sells water; or

11215 (ii) charges for the treatment or transportation of water or for the dedication of water
 11216 supplies or water treatment or conveyance capacities.

11217 (b) The rates, charges, and assessments may be established by agreement between the
 11218 district and the municipalities serviced by the district.

11219 (2) Rates fixed under Subsection (1)(a) shall be equitable, although not necessarily
 11220 equal or uniform, for like classes of service throughout the district.

11221 (3) Each agreement described in Subsection (1)(b) entered into before April 30, 2007
 11222 that otherwise complies with the law is ratified, validated, and confirmed.

11223 Section 322. Section **17B-2a-607** is enacted to read:

11224 **17B-2a-607. Contracts with other corporations.**

11225 (1) A metropolitan water district may:

11226 (a) contract with one or more corporations, public or private, for the purpose of:

11227 (i) financing acquisitions, constructions, or operations of the district; or

11228 (ii) carrying out any of the district's powers;

11229 (b) in a contract under Subsection (1)(a), obligate itself severally or jointly with the

11230 other corporation or corporations; and
 11231 (c) secure, guarantee, or become surety for the payment of an indebtedness or the
 11232 performance of a contract or other obligation incurred or entered into by a corporation whose
 11233 shares of stock the district has acquired.

11234 (2) A contract under Subsection (1)(a) may:
 11235 (a) provide for:
 11236 (i) contributions to be made by each contracting party;
 11237 (ii) the division and apportionment of:
 11238 (A) the expenses of acquisitions and operations; and
 11239 (B) the contractual benefits, services, and products; and
 11240 (iii) an agency to make acquisitions and carry on operations under the contract; and
 11241 (b) contain covenants and agreements as necessary or convenient to accomplish the
 11242 purposes of the contract.

11243 Section 323. Section **17B-2a-701** is enacted to read:

11244 **Part 7. Mosquito Abatement District Act**

11245 **17B-2a-701. Title.**

11246 This part is known as the "Mosquito Abatement District Act."

11247 Section 324. Section **17B-2a-702** is enacted to read:

11248 **17B-2a-702. Provisions applicable to mosquito abatement districts.**

11249 (1) Each mosquito abatement district is governed by and has the powers stated in:

- 11250 (a) this part; and
- 11251 (b) Chapter 1, Provisions Applicable to All Local Districts.

11252 (2) This part applies only to mosquito abatement districts.

11253 (3) A mosquito abatement district is not subject to the provisions of any other part of
 11254 this chapter.

11255 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
 11256 Local Districts, and a provision in this part, the provision in this part governs.

11257 Section 325. Section **17B-2a-703** is enacted to read:

11258 **17B-2a-703. Additional mosquito abatement district powers.**

11259 In addition to the powers conferred on a mosquito abatement district under Section
11260 17B-1-103, a mosquito abatement district may:

11261 (1) take all necessary and proper steps for the extermination of mosquitos, flies,
11262 crickets, grasshoppers, and other insects:

11263 (a) within the district; or

11264 (b) outside the district, if lands inside the district are benefitted;

11265 (2) abate as nuisances all stagnant pools of water and other breeding places for
11266 mosquitos, flies, crickets, grasshoppers, or other insects anywhere inside or outside the state
11267 from which mosquitos migrate into the district;

11268 (3) enter upon territory referred to in Subsections (1) and (2) in order to inspect and
11269 examine the territory and to remove from the territory, without notice, stagnant water or other
11270 breeding places for mosquitos, flies, crickets, grasshoppers, or other insects;

11271 (4) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
11272 to carry out the purposes of the district;

11273 (5) make a contract to indemnify or compensate an owner of land or other property for
11274 injury or damage necessarily caused by the exercise of district powers or arising out of the use,
11275 taking, or damage of property for a district purpose; and

11276 (6) establish a reserve fund, not to exceed the greater of 25% of the district's annual
11277 operating budget and \$50,000, to pay for extraordinary abatement measures, including a
11278 vector-borne public health emergency.

11279 Section 326. Section **17B-2a-704** is enacted to read:

11280 **17B-2a-704. Mosquito abatement district board of trustees.**

11281 (1) (a) Notwithstanding Subsection 17B-1-302(2) and subject to Subsection (1)(b), the
11282 legislative body of each municipality that is entirely or partly included within a mosquito
11283 abatement district shall appoint one member to the board of trustees.

11284 (b) If 75% or more of the area of a mosquito abatement district is within the boundaries
11285 of a single municipality:

11286 (i) the board of trustees shall consist of five members; and
 11287 (ii) the legislative body of that municipality shall appoint all five members of the
 11288 board.
 11289 (2) The legislative body of each county in which a mosquito abatement district is
 11290 located shall appoint one member to the district's board of trustees if:
 11291 (a) some or all of the county's unincorporated area is included within the boundaries of
 11292 the mosquito abatement district; or
 11293 (b) (i) the number of municipalities that are entirely or partly included within the
 11294 district is an even number less than nine; and
 11295 (ii) Subsection (1)(b) does not apply.
 11296 (3) If the number of board members appointed by application of Subsections (1) and
 11297 (2)(a) is an even number less than nine, the legislative body of the county in which the district
 11298 is located shall appoint an additional member.
 11299 (4) Each board of trustees member shall be appointed as provided in Section
 11300 17B-1-304.
 11301 (5) Each vacancy on a mosquito abatement district board of trustees shall be filled by
 11302 the applicable appointing authority as provided in Section 17B-1-304.
 11303 Section 327. Section **17B-2a-705**, which is renumbered from Section 17A-2-910 is
 11304 renumbered and amended to read:
 11305 **[17A-2-910]. 17B-2a-705. Taxation -- Additional levy -- Election.**
 11306 (1) ~~[When it appears to the]~~ If a mosquito abatement district board of trustees
 11307 determines that the funds required during the next ensuing fiscal year will exceed the maximum
 11308 amount ~~[which]~~ that the ~~[county legislative body]~~ district is authorized to levy ~~[for the annual~~
 11309 ~~district tax]~~ under Subsection 17B-1-103(2)(g), the board of trustees may call an election and
 11310 submit to ~~[the electors of the]~~ district voters the question of whether ~~[a tax shall be voted for~~
 11311 ~~raising]~~ the district should be authorized to impose an additional tax to raise the necessary
 11312 additional funds.
 11313 (2) ~~[Notice]~~ The board shall, for at least four weeks before the election:

11314 (a) publish notice of the election [~~therefor shall be published for at least four weeks~~
11315 ~~prior to the election~~] in a daily or weekly newspaper published in the district[-]; or

11316 (b) if there is no daily or weekly newspaper published in the district, post notice of the
11317 election in three public places in the district.

11318 (3) No particular form of ballot [~~shall be~~] is required, and no informalities in
11319 conducting the election [~~shall~~] may invalidate the [~~same~~] election, if [~~the election~~] it is
11320 otherwise fairly conducted.

11321 (4) At the election [~~the ballots~~] each ballot shall contain the words, "Shall the district
11322 [~~vote a~~] be authorized to impose an additional tax to raise the additional sum of \$ ____?"

11323 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority
11324 of the votes cast are in favor of the imposition of the tax, the [~~board of trustees shall report the~~
11325 ~~same to the county legislative body, stating~~] district is authorized to impose an additional levy
11326 to raise the additional amount of money required [~~to be raised~~].

11327 [~~(6) The county legislative body shall at the time of levying general county taxes levy~~
11328 ~~an additional tax upon all of the taxable property in the district voting such additional tax.]~~

11329 Section 328. Section **17B-2a-801** is enacted to read:

Part 8. Public Transit District Act

11330 **17B-2a-801. Title.**

11331 This part is known as the "Public Transit District Act."

11332 Section 329. Section **17B-2a-802** is enacted to read:

11333 **17B-2a-802. Definitions.**

11334 As used in this part:

11335 (1) "Department" means the Department of Transportation created in Section 72-1-201.

11336 (2) "Multicounty district" means a public transit district located in more than one
11337 county.

11338 (3) "Operator" means a public entity or other person engaged in the transportation of
11339 passengers for hire.

11340 (4) "Public transit" means the transportation of passengers only and their incidental
11341

11342 baggage by means other than:

11343 (a) chartered bus;

11344 (b) sightseeing bus;

11345 (c) taxi; or

11346 (d) other vehicle not on an individual passenger fare paying basis.

11347 (5) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or
11348 unloading zone, parking lot, or other facility:

11349 (a) leased by or operated by or on behalf of a public transit district; and

11350 (b) related to the public transit services provided by the district, including:

11351 (i) railway or other right-of-way;

11352 (ii) railway line; and

11353 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
11354 a transit vehicle.

11355 (6) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle
11356 operated as public transportation by a public transit district.

11357 Section 330. Section **17B-2a-803** is enacted to read:

11358 **17B-2a-803. Provisions applicable to public transit districts.**

11359 (1) (a) Each public transit district is governed by and has the powers stated in:

11360 (i) this part; and

11361 (ii) except as provided in Subsection (1)(b), Chapter 1, Provisions Applicable to All
11362 Local Districts.

11363 (b) (i) Except for Sections 17B-1-301, 17B-1-311, and 17B-1-313, the provisions of
11364 Chapter 1, Part 3, Board of Trustees, do not apply to public transit districts.

11365 (ii) A public transit district is not subject to Chapter 1, Part 6, Fiscal Procedures for
11366 Local Districts.

11367 (2) This part applies only to public transit districts.

11368 (3) A public transit district is not subject to the provisions of any other part of this
11369 chapter.

- 11370 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
11371 Local Districts, and a provision in this part, the provision in this part governs.
11372 Section 331. Section **17B-2a-804** is enacted to read:
11373 **17B-2a-804. Additional public transit district powers.**
11374 (1) In addition to the powers conferred on a public transit district under Section
11375 17B-1-103, a public transit district may:
11376 (a) provide a public transit system for the transportation of passengers and their
11377 incidental baggage;
11378 (b) notwithstanding Subsection 17B-1-103(2)(i) and subject to Section 17B-2a-817,
11379 levy and collect property taxes only for the purpose of paying:
11380 (i) principal and interest of bonded indebtedness of the public transit district; or
11381 (ii) a final judgment against the public transit district if:
11382 (A) the amount of the judgment exceeds the amount of any collectable insurance or
11383 indemnity policy; and
11384 (B) the district is required by a final court order to levy a tax to pay the judgment;
11385 (c) insure against:
11386 (i) loss of revenues from damage to or destruction of some or all of a public transit
11387 system from any cause;
11388 (ii) public liability;
11389 (iii) property damage; or
11390 (iv) any other type of event, act, or omission;
11391 (d) acquire, contract for, lease, construct, own, operate, control, or use:
11392 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
11393 parking lot, or any other facility necessary or convenient for public transit service; or
11394 (ii) any structure necessary for access by persons and vehicles;
11395 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
11396 equipment, service, employee, or management staff of an operator; and
11397 (ii) provide for a sublease or subcontract by the operator upon terms that are in the

11398 public interest;

11399 (f) operate feeder bus lines and other feeder services as necessary;

11400 (g) accept a grant, contribution, or loan, directly through the sale of securities or

11401 equipment trust certificates or otherwise, from the United States, or from a department,

11402 instrumentality, or agency of the United States, to:

11403 (i) establish, finance, construct, improve, maintain, or operate transit facilities and

11404 equipment; or

11405 (ii) study and plan transit facilities in accordance with any legislation passed by

11406 Congress;

11407 (h) cooperate with and enter into an agreement with the state or an agency of the state

11408 to establish transit facilities and equipment or to study or plan transit facilities;

11409 (i) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,

11410 to carry out the purposes of the district;

11411 (j) from bond proceeds or any other available funds, reimburse the state or an agency of

11412 the state for an advance or contribution from the state or state agency; and

11413 (k) do anything necessary to avail itself of any aid, assistance, or cooperation available

11414 under federal law, including complying with labor standards and making arrangements for

11415 employees required by the United States or a department, instrumentality, or agency of the

11416 United States.

11417 (2) A public transit district may be funded from any combination of federal, state, or

11418 local funds.

11419 (3) A public transit district may not acquire property by eminent domain.

11420 Section 332. Section **17B-2a-805** is enacted to read:

11421 **17B-2a-805. Limitations on authority of a public transit district.**

11422 (1) A public transit district may not exercise control over a transit facility owned or

11423 operated inside or outside the district by a governmental entity unless, upon mutually agreeable

11424 terms, the governmental entity consents.

11425 (2) (a) A public transit district may not establish, directly or indirectly, a public transit

11426 service or system, or acquire a facility necessary or incidental to a public transit service or
 11427 system, in a manner or form that diverts, lessens, or competes for the patronage or revenue of a
 11428 preexisting system of a publicly or privately owned public carrier furnishing like service, unless
 11429 the district obtains the consent of the publicly or privately owned carrier.

11430 (b) A public transit district's maintenance and operation of an existing system that the
 11431 district acquires from a publicly or privately owned public carrier may not be considered to be
 11432 the establishment of a public transit service or system under this Subsection (2).

11433 Section 333. Section **17B-2a-806** is enacted to read:

11434 **17B-2a-806. Authority of the state or an agency of the state with respect to a**
 11435 **public transit district -- Counties and municipalities authorized to provide funds to**
 11436 **public transit district.**

11437 (1) The state or an agency of the state may:

11438 (a) make public contributions to a public transit district as in the judgment of the
 11439 Legislature or governing board of the agency are necessary or proper;

11440 (b) authorize a public transit district to perform, or aid and assist a public transit district
 11441 in performing, an activity that the state or agency is authorized by law to perform.

11442 (2) (a) A county or municipality involved in the establishment and operation of a
 11443 public transit district may provide funds necessary for the operation and maintenance of the
 11444 district.

11445 (b) A county's use of property tax funds to establish and operate a public transit district
 11446 within any part of the county is a county purpose under Section 17-53-220.

11447 Section 334. Section **17B-2a-807**, which is renumbered from Section 17A-2-1038 is
 11448 renumbered and amended to read:

11449 **[17A-2-1038]. 17B-2a-807. Public transit district board of trustees --**
 11450 **Appointment -- Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

11451 ~~[(1) (a) All powers, privileges, and duties vested in any incorporated district shall be~~
 11452 ~~performed by a board of trustees.]~~

11453 ~~[(b) The board may delegate the exercise of any duty to any of the offices created under~~

11454 ~~this part.]~~

11455 ~~[(2)]~~ (1) (a) If 200,000 people or fewer reside within the [~~district~~] boundaries~~[(a)(i)]~~
11456 of a public transit district, the board of trustees shall consist of~~[(A)]~~ members appointed by
11457 the legislative bodies of each municipality, county, or unincorporated area within any county on
11458 the basis of one member for each full unit of regularly scheduled passenger routes proposed to
11459 be served by the district in each municipality or unincorporated area within any county in the
11460 following calendar year~~[-and]~~.

11461 ~~[(B) for]~~ (b) For purposes of determining membership under Subsection ~~[(2)]~~
11462 (1)(a)~~[(i)(A)]~~, the number of service miles comprising a unit shall be determined jointly by the
11463 legislative bodies of the municipalities or counties comprising the district~~[-and]~~.

11464 ~~[(ii) the]~~ (c) The board of trustees of a public transit district under this Subsection (1)
11465 may ~~[consist of]~~ include a member that is a commissioner on the Transportation Commission
11466 created in Section 72-1-301 and appointed as provided in Subsection (10), who shall serve as a
11467 nonvoting, ex officio member~~[-]~~.

11468 ~~[(b) members]~~ (d) Members appointed under this Subsection ~~[(2)]~~ (1) shall be
11469 appointed and added to the board or omitted from the board at the time scheduled routes are
11470 changed, or as municipalities, counties, or unincorporated areas of counties annex to or
11471 withdraw from the district using the same appointment procedures~~[-and]~~.

11472 ~~[(c) for]~~ (e) For purposes of appointing members under this Subsection ~~[(2)(b)]~~ (1),
11473 municipalities, counties, and unincorporated areas of counties in which regularly scheduled
11474 passenger routes proposed to be served by the district in the following calendar year is less than
11475 a full unit, as defined in Subsection ~~[(2)(a)]~~ (1)(b), may combine with any other similarly
11476 situated municipality or unincorporated area to form a whole unit and may appoint one member
11477 for each whole unit formed.

11478 ~~[(3)]~~ (2) (a) If more than 200,000 people reside within the [~~district~~] boundaries of a
11479 public transit district, the board of trustees shall consist of 15 members appointed as described
11480 under this Subsection ~~[(3)]~~ (2) and one nonvoting, ex officio member appointed as provided in
11481 Subsection (10).

11482 (b) Except as provided ~~under~~ in Subsections ~~(3)~~ (2)(c) and ~~(3)~~(d), the board shall
11483 apportion voting members to each county within the district using an average of:

11484 (i) the proportion of population included in the district and residing within each county,
11485 rounded to the nearest 1/15 of the total transit district population; and

11486 (ii) the proportion of transit sales and use tax collected from areas included in the
11487 district and within each county, rounded to the nearest 1/15 of the total transit sales and use tax
11488 collected for the transit district.

11489 (c) The board shall join an entire or partial county not apportioned a voting member
11490 under this Subsection ~~(3)~~ (2) with an adjacent county for representation. The combined
11491 apportionment basis included in the district of both counties shall be used for the
11492 apportionment.

11493 (d) (i) If rounding to the nearest 1/15 of the total public transit district apportionment
11494 basis under Subsection ~~(3)~~ (2)(b) results in an apportionment of ~~(+)~~ more than 15 members,
11495 the county or combination of counties with the smallest additional fraction of a whole member
11496 proportion shall have one less member apportioned to it~~[-or]~~.

11497 (ii) If rounding to the nearest 1/15 of the total public transit district apportionment basis
11498 under Subsection (2)(b) results in an apportionment of less than 15 members, the county or
11499 combination of counties with the largest additional fraction of a whole member proportion shall
11500 have one more member apportioned to it.

11501 (e) If the population in the unincorporated area of a county is at least 1/15 of the
11502 district's population, the county executive, with the advice and consent of the county legislative
11503 body, shall appoint one voting member to represent each 1/15 of the district's population within
11504 a county's unincorporated area population.

11505 (f) If a municipality's population is at least 1/15 of the district's population, the chief
11506 municipal executive, with the advice and consent of the municipal legislative body, shall
11507 appoint one voting member to represent each 1/15 of the district's population within a
11508 municipality.

11509 (g) The number of voting members appointed from a county and municipalities within

11510 a county under Subsections [~~(3)~~] (2)(e) and (f) shall be subtracted from the county's total voting
11511 member apportionment under this Subsection [~~(3)~~] (2).

11512 (h) If the entire county is within the district, the remaining voting members for the
11513 county shall represent the county or combination of counties, if Subsection [~~(3)~~] (2)(c) applies,
11514 or the municipalities within the county.

11515 (i) If the entire county is not within the district, and the county is not joined with
11516 another county under Subsection [~~(3)~~] (2)(c), the remaining voting members for the county
11517 shall represent a municipality or combination of municipalities.

11518 (j) Except as provided under Subsections [~~(3)~~] (2)(e) and (f), voting members
11519 representing counties, combinations of counties if Subsection [~~(3)~~] (2)(c) applies, or
11520 municipalities within the county shall be designated and appointed by a simple majority of the
11521 chief executives of the municipalities within the county or combinations of counties if
11522 Subsection [~~(3)~~] (2)(c) applies. The appointments shall be made by joint written agreement of
11523 the appointing municipalities, with the consent and approval of the county legislative body of
11524 the county that has at least 1/15 of the district's apportionment basis.

11525 (k) Voting members representing a municipality or combination of municipalities shall
11526 be designated and appointed by the chief executive officer of the municipality or simple
11527 majority of chief executive officers of municipalities with the consent of the legislative body of
11528 the municipality or municipalities.

11529 (l) The appointment of voting members shall be made without regard to partisan
11530 political affiliation from among citizens in the community.

11531 (m) Each voting member shall be a bona fide resident of the municipality, county, or
11532 unincorporated area or areas which the voting member is to represent for at least six months
11533 before the date of appointment, and must continue in that residency to remain qualified to serve
11534 as a voting member.

11535 (n) (i) All population figures used under this section shall be derived from the most
11536 recent official census or census estimate of the United States Bureau of the Census.

11537 (ii) If population estimates are not available from the United States Bureau of Census,

11538 population figures shall be derived from the estimate from the Utah Population Estimates
 11539 Committee.

11540 (iii) All transit sales and use tax totals shall be obtained from the State Tax
 11541 Commission.

11542 (o) (i) The board shall be apportioned as provided under this section in conjunction with
 11543 the decennial United States Census Bureau report every ten years.

11544 (ii) Within 120 days following the receipt of the population estimates under this
 11545 Subsection [~~(5)(k)~~] (2)(o), the district shall reapportion representation on the board of trustees
 11546 in accordance with this section.

11547 (iii) The board shall adopt by resolution a schedule reflecting the current and proposed
 11548 apportionment.

11549 (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution to
 11550 each of its constituent entities as defined under Section [~~17A-1-501~~] 17B-1-701.

11551 (v) The appointing entities gaining a new board member shall appoint a new member
 11552 within 30 days following receipt of the resolution.

11553 (vi) The appointing entities losing a board member shall inform the board of which
 11554 member currently serving on the board will step down upon appointment of a new member
 11555 under Subsection [~~(5)(k)~~] (2)(o)(v).

11556 (3) Upon the completion of an annexation to a public transit district under Chapter 1,
 11557 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the
 11558 same basis as if the area had been included in the district as originally organized.

11559 (4) (a) Except the initial members of the board, the terms of office of the voting
 11560 members of the board shall be two years or until a successor is appointed, qualified, seated, and
 11561 has taken the oath of office.

11562 (b) At the first meeting of the initial members of the board held after July 1, 2004,
 11563 voting members of the board shall designate by the drawing of lots for 1/2 of their number to
 11564 serve for one-year terms and 1/2 for two-year terms.

11565 (c) A voting member may not be appointed for more than three successive full terms.

11566 (5) (a) Vacancies for voting members shall be filled by the official appointing the
11567 member creating the vacancy for the unexpired term, unless the official fails to fill the vacancy
11568 within 90 days.

11569 (b) If the appointing official under Subsection [~~(2)~~] (1) does not fill the vacancy within
11570 90 days, the board of trustees of the authority shall fill the vacancy.

11571 (c) If the appointing official under Subsection [~~(3)~~] (2) does not fill the vacancy within
11572 90 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.

11573 (6) (a) Each voting member may cast one vote on all questions, orders, resolutions, and
11574 ordinances coming before the board of trustees.

11575 (b) A majority of all voting members of the board of trustees are a quorum for the
11576 transaction of business.

11577 (c) The affirmative vote of a majority of all voting members present at any meeting at
11578 which a quorum was initially present shall be necessary and, except as otherwise provided, is
11579 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

11580 (7) [~~The~~] Each public transit district shall pay to each voting member:

11581 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed
11582 \$200 in any calendar month to any voting member; and

11583 (b) reasonable mileage and expenses necessarily incurred to attend board or committee
11584 meetings.

11585 (8) (a) Members of the initial board of trustees shall convene at the time and place
11586 fixed by the chief executive officer of the entity initiating the proceedings.

11587 (b) Immediately upon convening, the board of trustees shall elect from its voting
11588 membership a president, vice president, and secretary who shall serve for a period of two years
11589 or until their successors shall be elected and qualified.

11590 (9) At the time of a voting member's appointment or during a voting member's tenure
11591 in office, a voting member may not hold any employment, except as an independent contractor
11592 or elected public official, with a county or municipality within the district.

11593 (10) The Transportation Commission created in Section 72-1-301:

11594 (a) for a public transit [~~districts~~] district serving a population of 200,000 people or
11595 fewer, may appoint a commissioner of the Transportation Commission to serve on the board of
11596 trustees as a nonvoting, ex officio member; and

11597 (b) for a public transit [~~districts~~] district serving a population of more than 200,000
11598 people, shall appoint a commissioner of the Transportation Commission to serve on the board
11599 of trustees as a nonvoting, ex officio member.

11600 (11) (a) (i) Each member of the board of trustees of a public transit district is subject to
11601 recall at any time by the legislative body of the county or municipality from which the member
11602 is appointed.

11603 (ii) Each recall of a board of trustees member shall be made in the same manner as the
11604 original appointment.

11605 (iii) The legislative body recalling a board of trustees member shall provide written
11606 notice to the member being recalled.

11607 (b) Upon providing written notice to the board of trustees, a member of the board may
11608 resign from the board of trustees.

11609 (c) If a board member is recalled or resigns under this Subsection (11), the vacancy
11610 shall be filled as provided in Subsection (5).

11611 Section 335. Section **17B-2a-808** is enacted to read:

11612 **17B-2a-808. Public transit district board of trustees powers and duties --**

11613 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

11614 (1) The powers and duties of a board of trustees of a public transit district stated in this
11615 section are in addition to the powers and duties stated in Section 17B-1-301.

11616 (2) The board of trustees of each public transit district shall:

11617 (a) appoint and fix the salary of a general manager, as provided in Section 17B-2a-811;

11618 (b) determine the transit facilities that the district should acquire or construct;

11619 (c) supervise and regulate each transit facility that the district owns and operates,

11620 including:

11621 (i) fixing rates, fares, rentals, and charges and any classifications of rates, fares, rentals,

11622 and charges; and
11623 (ii) making and enforcing rules, regulations, contracts, practices, and schedules for or
11624 in connection with a transit facility that the district owns or controls;
11625 (d) control the investment of all funds assigned to the district for investment, including
11626 funds:
11627 (i) held as part of a district's retirement system; and
11628 (ii) invested in accordance with the participating employees' designation or direction
11629 pursuant to an employee deferred compensation plan established and operated in compliance
11630 with Section 457 of the Internal Revenue Code;
11631 (e) invest all funds according to the procedures and requirements of Title 51, Chapter
11632 7, State Money Management Act;
11633 (f) if a custodian is appointed under Subsection (3)(d), pay the fees for the custodian's
11634 services from the interest earnings of the investment fund for which the custodian is appointed;
11635 (g) (i) cause an annual audit of all district books and accounts to be made by an
11636 independent certified public accountant;
11637 (ii) as soon as practicable after the close of each fiscal year, submit to the chief
11638 administrative officer and legislative body of each county and municipality with territory
11639 within the district a financial report showing:
11640 (A) the result of district operations during the preceding fiscal year; and
11641 (B) the district's financial status on the final day of the fiscal year; and
11642 (iii) supply copies of the report under Subsection (2)(g)(ii) to the general public upon
11643 request in a quantity that the board considers appropriate; and
11644 (h) report at least annually to the Transportation Commission created in Section
11645 72-1-301 the district's short-term and long-range public transit plans, including the transit
11646 portions of applicable regional transportation plans adopted by a metropolitan planning
11647 organization established under 23 U.S.C. Sec. 134.
11648 (3) A board of trustees of a public transit district may:
11649 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that

11650 are:

11651 (i) not repugnant to the United States Constitution, the Utah Constitution, or the
11652 provisions of this part; and

11653 (ii) necessary for:

11654 (A) the government and management of the affairs of the district;

11655 (B) the execution of district powers; and

11656 (C) carrying into effect the provisions of this part;

11657 (b) provide by resolution, under terms and conditions the board considers fit, for the
11658 payment of demands against the district without prior specific approval by the board, if the
11659 payment is:

11660 (i) for a purpose for which the expenditure has been previously approved by the board;

11661 (ii) in an amount no greater than the amount authorized; and

11662 (iii) approved by the general manager or other officer or deputy as the board prescribes;

11663 (c) (i) hold public hearings and subpoena witnesses; and

11664 (ii) appoint district officers to conduct a hearing and require the officers to make
11665 findings and conclusions and report them to the board; and

11666 (d) appoint a custodian for the funds and securities under its control, subject to
11667 Subsection (2)(f).

11668 (4) A member of the board of trustees of a public transit district or a hearing officer
11669 designated by the board may administer oaths and affirmations in a district investigation or
11670 proceeding.

11671 (5) (a) The vote of the board of trustees on each ordinance shall be by roll call vote
11672 with each affirmative and negative vote recorded.

11673 (b) (i) Subject to Subsection (5)(b)(ii), the board of trustees may adopt a resolution or
11674 order by voice vote.

11675 (ii) The vote of the board of trustees on a resolution or order shall be by roll call vote if
11676 a member of the board so demands.

11677 (c) (i) Except as provided in Subsection (5)(c)(ii), the board of trustees of a public

11678 transit district may not adopt an ordinance unless it is:

11679 (A) introduced at least a day before the board of trustees adopts it; or

11680 (B) mailed by registered mail, postage prepaid, to each member of the board of trustees
11681 at least five days before the day upon which the ordinance is presented for adoption.

11682 (ii) Subsection (5)(c)(i) does not apply if the ordinance is adopted by a unanimous vote
11683 of all board members present at a meeting at which at least 3/4 of all board members are
11684 present.

11685 (d) Each ordinance adopted by a public transit district's board of trustees shall take
11686 effect upon adoption, unless the ordinance provides otherwise.

11687 Section 336. Section **17B-2a-809**, which is renumbered from Section 17A-2-1060.1 is
11688 renumbered and amended to read:

11689 ~~[17A-2-1060.1].~~ **17B-2a-809. Public transit districts to submit agendas and**
11690 **minutes of board meetings.**

11691 (1) The board of trustees of each public transit district shall submit to each constituent
11692 entity, as defined in Section ~~[17A-1-501]~~ 17B-1-701:

11693 (a) a copy of the board agenda and a notice of the location and time of the board
11694 meeting within the same time frame provided to members of the board prior to the meeting;
11695 and

11696 (b) a copy of the minutes of board meetings within five working days following
11697 approval of the minutes.

11698 (2) The board may submit notices, agendas, and minutes by electronic mail if agreed to
11699 by the constituent entity as defined under Section ~~[17A-1-501]~~ 17B-1-701.

11700 Section 337. Section **17B-2a-810** is enacted to read:

11701 **17B-2a-810. Officers of a public transit district.**

11702 (1) (a) The officers of a public transit district shall consist of:

11703 (i) the members of the board of trustees;

11704 (ii) a president and vice president, appointed by the board of trustees, subject to
11705 Subsection (1)(b);

11706 (iii) a secretary, appointed by the board of trustees;
 11707 (iv) a general manager, appointed by the board of trustees as provided in Section
 11708 17B-2a-811;
 11709 (v) a general counsel, appointed by the board of trustees, subject to Subsection (1)(c);
 11710 (vi) a treasurer, appointed as provided in Section 17B-1-633;
 11711 (vii) a comptroller, appointed by the board of trustees, subject to Subsection (1)(d); and
 11712 (viii) other officers, assistants, and deputies that the board of trustees considers
 11713 necessary.
 11714 (b) The district president and vice president shall be members of the board of trustees.
 11715 (c) The person appointed as general counsel shall:
 11716 (i) be admitted to practice law in the state; and
 11717 (ii) have been actively engaged in the practice of law for at least seven years next
 11718 preceding the appointment.
 11719 (d) The person appointed as comptroller shall have been actively engaged in the
 11720 practice of accounting for at least seven years next preceding the appointment.
 11721 (2) (a) The district's general manager shall appoint all officers and employees not
 11722 specified in Subsection (1).
 11723 (b) Each officer and employee appointed by the district's general manager serves at the
 11724 pleasure of the general manager.
 11725 (3) The board of trustees shall by ordinance or resolution fix the compensation of all
 11726 district officers and employees, except as otherwise provided in this part.
 11727 (4) (a) Each officer appointed by the board of trustees or by the district's general
 11728 manager shall take the oath of office specified in Utah Constitution Article IV, Section 10.
 11729 (b) Each oath under Subsection (4)(a) shall be subscribed and filed with the district
 11730 secretary no later than 15 days after the commencement of the officer's term of office.
 11731 Section 338. Section **17B-2a-811** is enacted to read:
 11732 **17B-2a-811. General manager of a public transit district.**
 11733 (1) (a) The board of trustees of a public transit district shall appoint a person as a

11734 general manager.

11735 (b) The appointment of a general manager shall be by the affirmative vote of a majority
11736 of all members of the board of trustees.

11737 (c) The board's appointment of a person as general manager shall be based on the
11738 person's qualifications, with special reference to the person's actual experience in or knowledge
11739 of accepted practices with respect to the duties of the office.

11740 (d) A person appointed as general manager of a public transit district is not required to
11741 be a resident of the state at the time of appointment.

11742 (2) Each general manager of a public transit district shall:

11743 (a) be a full-time officer and devote full time to the district's business;

11744 (b) ensure that all district ordinances are enforced;

11745 (c) prepare and submit to the board of trustees, as soon as practical but not less than 45
11746 days after the end of each fiscal year, a complete report on the district's finances and
11747 administrative activities for the preceding year;

11748 (d) keep the board of trustees advised as to the district's needs;

11749 (e) prepare or cause to be prepared all plans and specifications for the construction of
11750 district works;

11751 (f) cause to be installed and maintained a system of auditing and accounting that
11752 completely shows the district's financial condition at all times; and

11753 (g) attend meetings of the board of trustees.

11754 (3) A general manager of a public transit district:

11755 (a) serves at the pleasure of the board of trustees;

11756 (b) holds office for an indefinite term;

11757 (c) may be removed by the board of trustees upon the adoption of a resolution by the
11758 affirmative vote of a majority of all members of the board, subject to Subsection (5);

11759 (d) has full charge of:

11760 (i) the acquisition, construction, maintenance, and operation of district facilities; and

11761 (ii) the administration of the district's business affairs;

11762 (e) is entitled to participate in the deliberations of the board of trustees as to any matter
11763 before the board; and

11764 (f) may not vote at a meeting of the board of trustees.

11765 (4) The board of trustees may not reduce the general manager's salary below the
11766 amount fixed at the time of original appointment unless:

11767 (a) the board adopts a resolution by a vote of a majority of all members; and

11768 (b) if the general manager demands in writing, the board gives the general manager the
11769 opportunity to be publicly heard at a meeting of the board before the final vote on the
11770 resolution reducing the general manager's salary.

11771 (5) (a) Before adopting a resolution providing for a general manager's removal as
11772 provided in Subsection (3)(c), the board shall, if the manager makes a written demand:

11773 (i) give the general manager a written statement of the reasons alleged for the general
11774 manager's removal; and

11775 (ii) allow the general manager to be publicly heard at a meeting of the board of trustees.

11776 (b) Notwithstanding Subsection (5)(a), the board of trustees of a public transit district
11777 may suspend a general manager from office pending and during a hearing under Subsection
11778 (5)(a)(ii).

11779 (6) The action of a board of trustees suspending or removing a general manager or
11780 reducing the general manager's salary is final.

11781 Section 339. Section **17B-2a-812** is enacted to read:

11782 **17B-2a-812. Comptroller required to provide statement of revenues and**
11783 **expenditures.**

11784 The comptroller of each public transit district shall, as soon as possible after the close
11785 of each fiscal year:

11786 (1) prepare a statement of revenues and expenditures for the fiscal year just ended, in
11787 the detail that the board of trustees prescribes; and

11788 (2) transmit a copy of the statement to the chief executive officer of:

11789 (a) each municipality within the district; and

11790 (b) each county with unincorporated area within the district.

11791 Section 340. Section **17B-2a-813** is enacted to read:

11792 **17B-2a-813. Rights, benefits, and protective conditions for employees of a public**
11793 **transit district -- Strike prohibited -- Employees of an acquired transit system.**

11794 (1) The rights, benefits, and other employee protective conditions and remedies of
11795 Section 13(c) of the Urban Mass Transportation Act of 1964, 49 U.S.C. Sec. 5333(b), as
11796 determined by the Secretary of Labor, apply to:

11797 (a) a public transit district's establishment and operation of a public transit service or
11798 system; and

11799 (b) a lease, contract, or other arrangement that a public transit district enters into for the
11800 operation of a public transit service or system.

11801 (2) (a) Employees of a public transit system established and operated by a public transit
11802 district have the right to:

11803 (i) self-organization;

11804 (ii) form, join, or assist labor organizations; and

11805 (iii) bargain collectively through representatives of their own choosing.

11806 (b) Employees of a public transit district and labor organizations may not join in a
11807 strike against the public transit system operated by the public transit district.

11808 (c) Each public transit district shall:

11809 (i) recognize and bargain exclusively with any labor organization representing a
11810 majority of the district's employees in an appropriate unit with respect to wages, salaries, hours,
11811 working conditions, and welfare, pension, and retirement provisions; and

11812 (ii) upon reaching agreement with the labor organization, enter into and execute a
11813 written contract incorporating the agreement.

11814 (3) If a public transit district acquires an existing public transit system:

11815 (a) all employees of the acquired system who are necessary for the operation of the
11816 acquired system, except executive and administrative officers and employees, shall be:

11817 (i) transferred to and appointed employees of the acquiring public transit district; and

- 11818 (ii) given sick leave, seniority, vacation, and pension or retirement credits in
- 11819 accordance with the acquired system's records;
- 11820 (b) members and beneficiaries of a pension or retirement plan or other program of
- 11821 benefits that the acquired system has established shall continue to have rights, privileges,
- 11822 benefits, obligations, and status with respect to that established plan or program; and
- 11823 (c) the public transit district may establish, amend, or modify, by agreement with
- 11824 employees or their authorized representatives, the terms, conditions, and provisions of a
- 11825 pension or retirement plan or of an amendment or modification of a pension or retirement plan.

11826 Section 341. Section **17B-2a-814**, which is renumbered from Section 17A-2-1050 is
 11827 renumbered and amended to read:

11828 **~~[17A-2-1050].~~ 17B-2a-814. Conflict of interests prohibited -- Disclosure --**
 11829 **Violation -- Penalty.**

11830 (1) As used in this section, "relative" means ~~[any]~~ a parent, spouse, child, grandparent,
 11831 grandchild, great grandparent, great grandchild, or sibling of a trustee, officer, or employee.

11832 (2) Except as provided in this section, a trustee ~~[or any other]~~, officer, or employee of
 11833 ~~[the]~~ a public transit district may not be interested in any manner, directly or indirectly, in ~~[any]~~
 11834 a contract or in the profits derived from ~~[any]~~ a contract:

- 11835 (a) awarded by the board of trustees; or
- 11836 (b) made by ~~[any]~~ an officer or employee pursuant to discretionary authority vested in
 11837 ~~[him]~~ the officer or employee.

11838 (3) Notwithstanding Subsection (2), ~~[when]~~ if a trustee ~~[or other]~~, officer, or employee
 11839 of ~~[the]~~ a public transit district is a stockholder, bondholder, director, or other officer or
 11840 employee of a corporation contracting with the district, the district may contract with that
 11841 corporation for its general benefit unless the trustee, officer, or employee of the district owns or
 11842 controls, directly or indirectly, stock or bonds in an amount greater than 5% of the total amount
 11843 of outstanding stock or bonds.

11844 (4) (a) (i) A trustee, officer, or employee of ~~[the]~~ a public transit district who has, or
 11845 whose relative has, a substantial interest in ~~[any]~~ a contract with, sale to, purchase from, or

11846 service to the district shall disclose that interest to the board of trustees of the district in a
11847 public meeting of the board.

11848 (ii) The board of trustees of the district shall disclose that interest in the minutes of its
11849 meeting.

11850 (b) A trustee, officer, or employee of ~~the~~ a public transit district who has, or whose
11851 relative has, a substantial interest in ~~any~~ a contract with, sale to, purchase from, or service to
11852 the district may not vote upon or otherwise participate in any manner as a trustee, officer, or
11853 employee in the contract, sale, ~~or~~ purchase, or service.

11854 (5) A trustee, officer, or employee of ~~the~~ a public transit district, in contemplation of
11855 official action by ~~himself~~ the trustee, officer, or employee or by the district or in reliance on
11856 information to which ~~he~~ the trustee, officer, or employee has access in ~~his~~ an official
11857 capacity and which has not been made public, commits misuse of official information if ~~he~~
11858 the trustee, officer, or employee:

11859 (a) acquires a pecuniary interest in any property, transaction, or enterprise that may be
11860 affected by the information or official action;

11861 (b) speculates or wagers on the basis of the information or official action; or

11862 (c) aids, advises, or encourages another to do so with intent to confer upon any person a
11863 special pecuniary benefit.

11864 (6) Each trustee, officer, and employee who violates this section:

11865 (a) is guilty of a class B misdemeanor; and

11866 (b) if convicted, ~~his~~ shall be terminated from board appointment or district
11867 employment ~~[is terminated]~~.

11868 Section 342. Section **17B-2a-815** is enacted to read:

11869 **17B-2a-815. Rates and charges for service.**

11870 (1) The board of trustees of a public transit district shall fix rates and charges for
11871 service provided by the district by a two-thirds vote of all board members.

11872 (2) Rates and charges shall:

11873 (a) be reasonable; and

- 11874 (b) to the extent practicable:
- 11875 (i) result in enough revenue to make the public transit system self supporting; and
- 11876 (ii) be sufficient to:
- 11877 (A) pay for district operating expenses;
- 11878 (B) provide for repairs, maintenance, and depreciation of works and property that the
- 11879 district owns or operates;
- 11880 (C) provide for the purchase, lease, or acquisition of property and equipment;
- 11881 (D) pay the interest and principal of bonds that the district issues; and
- 11882 (E) pay for contracts, agreements, leases, and other legal liabilities that the district
- 11883 incurs.

11884 Section 343. Section **17B-2a-816** is enacted to read:

11885 **17B-2a-816. Hearing on a rate or charge or a proposal to fix the location of**

11886 **district facilities.**

11887 (1) (a) The legislative body of a county or municipality with territory within a public

11888 transit district may, on behalf of a person who is a resident of the county or municipality,

11889 respectively, and who is a user of a public transit system operated by the public transit district,

11890 file a request for a hearing before the public transit district's board of trustees as to:

- 11891 (i) the reasonableness of a rate or charge fixed by the board of trustees; or
- 11892 (ii) a proposal for fixing the location of district facilities.

11893 (b) Each request under Subsection (1)(a) shall:

- 11894 (i) be in writing;
- 11895 (ii) be filed with the board of trustees of the public transit district; and
- 11896 (iii) state the subject matter on which a hearing is requested.

11897 (2) (a) At least 15 but not more than 60 days after a request under Subsection (1)(a) is

11898 filed, the public transit district's board of trustees shall hold a hearing on, as the case may be:

- 11899 (i) the reasonableness of a rate or charge fixed by the board of trustees; or
- 11900 (ii) a proposal for fixing the location of district facilities.

11901 (b) The public transit district board of trustees shall provide notice of the hearing by:

11902 (i) mailing, postage prepaid, a notice to:
11903 (A) the county or municipality requesting the hearing; and
11904 (B) the legislative body of each other county and municipality with territory within the
11905 public transit district; and
11906 (ii) once publishing a notice.
11907 (3) At each hearing under Subsection (2)(a):
11908 (a) the legislative body of a county or municipality may intervene, be heard, and
11909 introduce evidence if the county or municipality:
11910 (i) is eligible to file a request for hearing under Subsection (1); and
11911 (ii) did not file a request for hearing;
11912 (b) the public transit district, the county or municipality that filed the request for
11913 hearing, and an intervening county or municipality under Subsection (3)(a) may:
11914 (i) call and examine witnesses;
11915 (ii) introduce exhibits;
11916 (iii) cross-examine opposing witnesses on any matter relevant to the issues, even
11917 though the matter was not covered in direct examination; and
11918 (iv) rebut evidence introduced by others;
11919 (c) evidence shall be taken on oath or affirmation;
11920 (d) technical rules of evidence need not be followed, regardless of the existence of a
11921 common law or statutory rule that makes improper the admission of evidence over objection in
11922 a civil action;
11923 (e) hearsay evidence is admissible in order to supplement or explain direct evidence,
11924 but is not sufficient in itself to support a finding unless it would be admissible over objection in
11925 a civil action; and
11926 (f) the public transit district board of trustees shall appoint a reporter to take a complete
11927 record of all proceedings and testimony before the board.
11928 (4) (a) Within 60 days after the conclusion of a hearing under Subsection (2)(a), the
11929 public transit district board of trustees shall render its decision in writing, together with written

11930 findings of fact.

11931 (b) The board of trustees shall mail by certified mail, postage prepaid, a copy of the
11932 decision and findings to:

11933 (i) the county or municipality that filed a request under Subsection (1); and

11934 (ii) each county and municipality that intervened under Subsection (3)(a).

11935 (5) In any action to review a decision of a public transit district board of trustees under
11936 this section, the record on review shall consist of:

11937 (a) the written request for hearing, the transcript of the testimony at the hearing, and all
11938 exhibits introduced at the hearing; or

11939 (b) if the parties stipulate in writing:

11940 (i) the evidence specified in the stipulation; and

11941 (ii) the written stipulation itself.

11942 Section 344. Section **17B-2a-817** is enacted to read:

11943 **17B-2a-817. Voter approval required for property tax levy.**

11944 In addition to a property tax under Section 17B-1-1103 to pay general obligation bonds
11945 of the district, a public transit district may levy a property tax, as provided in and subject to
11946 Chapter 1, Part 10, Local District Property Tax Levy, if:

11947 (1) the district first submits the proposal to levy the property tax to voters within the
11948 district; and

11949 (2) a majority of voters within the district voting on the proposal vote in favor of the
11950 tax at an election held for that purpose.

11951 Section 345. Section **17B-2a-818** is enacted to read:

11952 **17B-2a-818. Requirements applicable to public transit district contracts.**

11953 (1) If the expenditure required to construct district facilities or works exceeds \$25,000,
11954 the construction shall be let as provided in Title 63, Chapter 56, Utah Procurement Code.

11955 (2) (a) The board of trustees of a public transit district shall advertise each bid or
11956 proposal through public notice as the board determines.

11957 (b) A notice under Subsection (2)(a) may:

11958 (i) include publication in:
11959 (A) a newspaper of general circulation in the district;
11960 (B) a trade journal; or
11961 (C) other method determined by the board; and
11962 (ii) be made at least once, not less than ten days before the expiration of the period
11963 within which bids or proposals are received.
11964 (3) (a) The board of trustees may, in its discretion:
11965 (i) reject any or all bids or proposals; and
11966 (ii) readvertise or give notice again.
11967 (b) If, after rejecting bids or proposals, the board of trustees determines and declares by
11968 a two-thirds vote of all members present that in the board's opinion the supplies, equipment,
11969 and materials may be purchased at a lower price in the open market, the board may purchase
11970 the supplies, equipment, and materials in the open market, notwithstanding any provisions
11971 requiring contracts, bids, proposals, advertisement, or notice.
11972 (4) The board of trustees of a public transit district may let a contract without
11973 advertising for or inviting bids if:
11974 (a) the board finds, upon a two-thirds vote of all members present, that a repair,
11975 alteration, or other work or the purchase of materials, supplies, equipment, or other property is
11976 of urgent necessity; or
11977 (b) the district's general manager certifies by affidavit that there is only one source for
11978 the required supplies, equipment, materials, or construction items.
11979 (5) If a public transit district retains or withholds any payment on a contract with a
11980 private contractor to construct facilities under this section, the board shall retain or withhold
11981 and release the payment as provided in Section 13-8-5.
11982 Section 346. Section **17B-2a-819** is enacted to read:
11983 **17B-2a-819. Compliance with state and local laws and regulations.**
11984 (1) Each public transit district is subject to department regulations relating to safety
11985 appliances and procedures.

11986 (2) (a) Each installation by a public transit district in a state highway or freeway is
11987 subject to the approval of the department.

11988 (b) There is a presumption that the use of a street, road, highway, or other public place
11989 by a public transit district for any of the purposes permitted in this part constitutes no greater
11990 burden on an adjoining property than the use existing on July 9, 1969.

11991 (c) If a street, road, or highway, excluding a state highway or freeway, or a pipeline,
11992 sewer, water main, storm drain, pole, or communication wire is required to be relocated,
11993 replaced, or altered in order for a public transit district to construct or operate its system or to
11994 preserve and maintain an already constructed district facility:

11995 (i) the public or private owner of the facility required to be relocated, replaced, or
11996 altered shall relocate, replace, or alter the facility with reasonable promptness; and

11997 (ii) the public transit district shall, by prior agreement, reimburse the owner for the
11998 reasonable cost incurred in the relocation, replacement, or alteration.

11999 (d) (i) A public transit district may enter into an agreement with a county or
12000 municipality to:

12001 (A) close a street or road over which the county or municipality has jurisdiction at or
12002 near the point of its interception with a district facility; or

12003 (B) carry the street or road over or under or to a connection with a district facility.

12004 (ii) A public transit district may do all work on a street or road under Subsection
12005 (2)(d)(i) as is necessary.

12006 (iii) A street or road may not be closed, directly or indirectly, by the construction of a
12007 district facility unless the closure is:

12008 (A) pursuant to agreement under Subsection (2)(d)(i); or

12009 (B) temporarily necessary during the construction of a district facility.

12010 (3) Each public transit district is subject to the laws and regulations of the state and
12011 each applicable municipality relating to traffic and operation of vehicles upon streets and
12012 highways.

12013 Section 347. Section **17B-2a-820** is enacted to read:

12014 **17B-2a-820. Authority for other governmental entities to acquire property by**
12015 **eminent domain for a public transit district.**

12016 The state, a county, or a municipality may, by eminent domain under Title 78, Chapter
12017 34, Eminent Domain, acquire within its boundaries a private property interest, including fee
12018 simple, easement, air right, right-of-way, or other interest, necessary for the establishment or
12019 operation of a public transit district.

12020 Section 348. Section **17B-2a-821**, which is renumbered from Section 17A-2-1061 is
12021 renumbered and amended to read:

12022 **~~[17A-2-1061].~~ 17B-2a-821. Failure to pay fare -- Infraction -- Multicounty**
12023 **district may establish and enforce parking ordinance.**

12024 (1) A person may not ride a transit vehicle without payment of the applicable fare
12025 established by the public transit district that operates the transit vehicle.

12026 (2) A person who violates Subsection (1) is guilty of an infraction.

12027 (3) The [~~governing body~~] board of trustees of a multicounty district may adopt an
12028 ordinance governing parking of vehicles at a transit facility, including the imposition of a fine
12029 or civil penalty for a violation of the ordinance.

12030 Section 349. Section **17B-2a-822**, which is renumbered from Section 17A-2-1062 is
12031 renumbered and amended to read:

12032 **~~[17A-2-1062].~~ 17B-2a-822. Multicounty district may employ or contract for**
12033 **law enforcement officers -- Law enforcement officer status, powers, and jurisdiction.**

12034 (1) The [~~governing body~~] board of trustees of a multicounty district may employ law
12035 enforcement officers or contract with other law enforcement agencies to provide law
12036 enforcement services for the district.

12037 (2) A law enforcement officer employed or provided by contract under Subsection (1)
12038 is a law enforcement officer under Section 53-13-103 and shall be subject to the provisions of
12039 that section.

12040 (3) Subject to the provisions of Section 53-13-103, the jurisdiction of a law
12041 enforcement officer employed under this section is limited to transit facilities and transit

12042 vehicles.

12043 Section 350. Section **17B-2a-823**, which is renumbered from Section 17A-2-1063 is
12044 renumbered and amended to read:

12045 ~~[17A-2-1063].~~ **17B-2a-823. Public transit district special services.**

12046 (1) As used in this section, "bureau" means a recreational, tourist, or convention bureau
12047 established under Section 17-31-2.

12048 (2) (a) A public transit district may lease its buses to private certified public carriers or
12049 operate transit services requested by a ~~[governmental]~~ public entity ~~[when]~~ if a bureau certifies
12050 that privately owned carriers furnishing like services or operating like equipment within the
12051 area served by the bureau;

12052 (i) have declined to provide the service; or

12053 (ii) do not have the equipment necessary to provide the service.

12054 (b) A public transit district may lease its buses or operate services as authorized under
12055 Subsection (2)(a) outside of the area served by the district.

12056 (3) ~~[A]~~ If part or all of the transportation services are paid for by public funds, a public
12057 transit district may:

12058 (a) provide school bus services for transportation of pupils and supervisory personnel
12059 between homes and school and other related school activities within the area served by the
12060 district~~[-];~~ or ~~[may]~~

12061 (b) provide the transportation of passengers covered by an elderly or disabled persons
12062 program within the district ~~[where all or part of the transportation services are paid for by~~
12063 ~~public funds].~~

12064 (4) Notwithstanding the provisions in Subsection (3), a municipality or county is not
12065 prohibited from providing the transportation services identified in Subsection (3).

12066 Section 351. Section **17B-2a-824** is enacted to read:

12067 **17B-2a-824. Property acquired on behalf of a public transit district.**

12068 (1) Title to property acquired on behalf of a public transit district under this part
12069 immediately and by operation of law vests in the public transit district.

12070 (2) Property described in Subsection (1) is dedicated and set apart for the purposes set
12071 forth in this part.

12072 Section 352. Section **17B-2a-901** is enacted to read:

12073 **Part 9. Service Area Act**

12074 **17B-2a-901. Title.**

12075 This part is known as the "Service Area Act."

12076 Section 353. Section **17B-2a-902** is enacted to read:

12077 **17B-2a-902. Provisions applicable to service areas.**

12078 (1) Each service area is governed by and has the powers stated in:

12079 (a) this part; and

12080 (b) Chapter 1, Provisions Applicable to All Local Districts.

12081 (2) This part applies only to service areas.

12082 (3) A service area is not subject to the provisions of any other part of this chapter.

12083 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
12084 Local Districts, and a provision in this part, the provision in this part governs.

12085 Section 354. Section **17B-2a-903** is enacted to read:

12086 **17B-2a-903. Additional service areas powers.**

12087 In addition to the powers conferred on a service area under Section 17B-1-103, a
12088 service area:

12089 (1) may issue bonds as provided in and subject to Chapter 1, Part 11, Local District
12090 Bonds, to carry out the purposes of the district;

12091 (2) that, until April 30, 2007, was a regional service area, may provide park, recreation,
12092 or parkway services, or any combination of those services; and

12093 (3) may, with the consent of the county in which the service area is located, provide
12094 planning and zoning service.

12095 Section 355. Section **17B-2a-904** is enacted to read:

12096 **17B-2a-904. Regional service areas to become service areas -- Change from**
12097 **regional service area to service area not to affect rights, obligations, board makeup, or**

12098 **property of former regional service area.**

12099 (1) Each regional service area, created and operating under the law in effect before
12100 April 30, 2007, becomes on that date a service area, governed by and subject to Chapter 1,
12101 Provisions Applicable to All Local Districts, and this part.

12102 (2) The change of an entity from a regional service area to a service area under
12103 Subsection (1) does not affect:

12104 (a) the entity's basic structure and operations or its nature as a body corporate and
12105 politic and a political subdivision of the state;

12106 (b) the ability of the entity to provide the service that the entity:

12107 (i) was authorized to provide before the change; and

12108 (ii) provided before the change;

12109 (c) the validity of the actions taken, bonds issued, or contracts or other obligations
12110 entered into by the entity before the change;

12111 (d) the ability of the entity to continue to impose and collect taxes, fees, and other
12112 charges for the service it provides;

12113 (e) the makeup of the board of trustees;

12114 (f) the entity's ownership of property acquired before the change; or

12115 (g) any other powers, rights, or obligations that the entity had before the change, except
12116 as modified by this part.

12117 Section 356. Section **17B-2a-905** is enacted to read:

12118 **17B-2a-905. Service area board of trustees.**

12119 (1) (a) Except as provided in Subsection (2):

12120 (i) the initial board of trustees of a service area located entirely within the

12121 unincorporated area of a single county may, as stated in the petition or resolution that initiated
12122 the process of creating the service area:

12123 (A) consist of the county legislative body;

12124 (B) be appointed, as provided in Section 17B-1-304; or

12125 (C) be elected, as provided in Section 17B-1-306;

12126 (ii) if the board of trustees of a service area consists of the county legislative body, the
12127 board may adopt a resolution providing for future board members to be appointed, as provided
12128 in Section 17B-1-304, or elected, as provided in Section 17B-1-306; and

12129 (iii) members of the board of trustees of a service area shall be elected, as provided in
12130 Section 17B-1-306, if:

12131 (A) the service area is not entirely within the unincorporated area of a single county;

12132 (B) a petition is filed with the board of trustees requesting that board members be
12133 elected, and the petition is signed by registered voters within the service area equal in number
12134 to at least 10% of the number of registered voters within the service area who voted at the last
12135 gubernatorial election; or

12136 (C) an election is held to authorize the service area's issuance of bonds.

12137 (b) If members of the board of trustees of a service area are required to be elected under
12138 Subsection (1)(a)(iii)(C) because of a bond election:

12139 (i) board members shall be elected in conjunction with the bond election;

12140 (ii) the board of trustees shall:

12141 (A) establish a process to enable potential candidates to file a declaration of candidacy
12142 sufficiently in advance of the election; and

12143 (B) provide a ballot for the election of board members separate from the bond ballot;
12144 and

12145 (iii) except as provided in this Subsection (1)(b), the election shall be held as provided
12146 in Section 17B-1-306.

12147 (2) (a) This Subsection (2) applies to a service area created on or after May 5, 2003 if:

12148 (i) the service area was created to provide fire protection, paramedic, and emergency
12149 services; and

12150 (ii) in the creation of the service area, an election was not required under Subsection
12151 17B-1-214(3)(c).

12152 (b) (i) Each county whose unincorporated area is included within a service area
12153 described in Subsection (2)(a), whether in conjunction with the creation of the service area or

12154 by later annexation, shall appoint three members to the board of trustees.

12155 (ii) Each municipality whose area is included within a service area described in
12156 Subsection (2)(a), whether in conjunction with the creation of the service area or by later
12157 annexation, shall appoint one member to the board of trustees.

12158 (iii) Each member appointed by a county or municipality under Subsection (2)(b)(i) or
12159 (ii) shall be an elected official of the appointing county or municipality, respectively.

12160 (c) Notwithstanding Subsection 17B-1-302(2), the number of members of a board of
12161 trustees of a service area described in Subsection (2)(a) shall be the number resulting from
12162 application of Subsection (2)(b).

12163 Section 357. Section **17B-2a-906** is enacted to read:

12164 **17B-2a-906. Dividing a service area into divisions.**

12165 (1) Subject to Subsection (2), the board of trustees of a service area may, upon a vote
12166 of two-thirds of the members of the board, divide the service area into divisions so that some or
12167 all of the members of the board of trustees may be elected by division rather than at large.

12168 (2) Before dividing a service area into divisions under Subsection (1) or before
12169 changing the boundaries of divisions already established, the board of trustees shall:

12170 (a) prepare a proposal that describes the boundaries of the proposed divisions; and

12171 (b) hold a public hearing at which any interested person may appear and speak for or
12172 against the proposal.

12173 (3) (a) The board of trustees shall review the division boundaries at least every ten
12174 years.

12175 (b) Except for changes in the divisions necessitated by annexations to or withdrawals
12176 from the service area, the boundaries of divisions established under Subsection (1) may not be
12177 changed more often than every five years.

12178 (c) Changes to the boundaries of divisions already established under Subsection (1) are
12179 not subject to the two-thirds vote requirement of Subsection (1).

12180 Section 358. Section **17B-2a-907**, which is renumbered from Section 17A-2-413 is
12181 renumbered and amended to read:

12182 ~~[17A-2-413].~~ **17B-2a-907. Adding a new service within a service area.**

12183 A [county] service area may begin to provide within the boundaries of the [county]
12184 service area a service that it had not previously provided by using the procedures set forth in
12185 ~~[Title 17B,]~~ Chapter [2] 1, Part 2, Creation of a Local ~~[Districts]~~ District, for the creation of a
12186 [county] service area as though a new [county] service area were being created to provide that
12187 service.

12188 Section 359. Section **17B-2a-1001** is enacted to read:

12189 **Part 10. Water Conservancy District Act**

12190 **17B-2a-1001. Title.**

12191 This part is known as the "Water Conservancy District Act."

12192 Section 360. Section **17B-2a-1002** is enacted to read:

12193 **17B-2a-1002. Legislative intent -- Purpose of water conservancy districts.**

12194 (1) It is the intent of the Legislature and the policy of the state to:

12195 (a) provide for the conservation and development of the water and land resources of the
12196 state;

12197 (b) provide for the greatest beneficial use of water within the state;

12198 (c) control and make use of all unappropriated waters in the state and to apply those
12199 waters to direct and supplemental beneficial uses including domestic, manufacturing, irrigation,
12200 and power;

12201 (d) obtain from water in the state the highest duty for domestic uses and irrigation of
12202 lands in the state within the terms of applicable interstate compacts and other law;

12203 (e) cooperate with the United States and its agencies under federal reclamation or other
12204 laws and to construct, finance, operate, and maintain works in the state; and

12205 (f) promote the greater prosperity and general welfare of the people of the state by
12206 encouraging the organization of water conservancy districts.

12207 (2) The creation and operation of water conservancy districts are a public use to help
12208 accomplish the intent and policy stated in Subsection (1) and will:

12209 (a) be essentially for the benefit and advantage of the people of the state;

- 12210 (b) indirectly benefit all industries of the state;
- 12211 (c) indirectly benefit the state by increasing the value of taxable property in the state;
- 12212 (d) directly benefit municipalities by providing adequate supplies of water for domestic
- 12213 use;
- 12214 (e) directly benefit lands to be irrigated or drained;
- 12215 (f) directly benefit lands now under irrigation by stabilizing the flow of water in
- 12216 streams and by increasing flow and return flow of water to those streams; and
- 12217 (g) promote the comfort, safety, and welfare of the people of the state.

12218 Section 361. Section **17B-2a-1003** is enacted to read:

12219 **17B-2a-1003. Provisions applicable to water conservancy districts.**

12220 (1) Each water conservancy district is governed by and has the powers stated in:

12221 (a) this part; and

12222 (b) Chapter 1, Provisions Applicable to All Local Districts.

12223 (2) This part applies only to water conservancy districts.

12224 (3) A water conservancy district is not subject to the provisions of any other part of this
12225 chapter.

12226 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
12227 Local Districts, and a provision in this part, the provision in this part governs.

12228 Section 362. Section **17B-2a-1004** is enacted to read:

12229 **17B-2a-1004. Additional water conservancy district powers -- Limitations on**
12230 **water conservancy districts.**

12231 (1) In addition to the powers conferred on a water conservancy district under Section
12232 17B-1-103, a water conservancy district may:

12233 (a) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
12234 to carry out the purposes of the district;

12235 (b) acquire or lease any real or personal property or acquire any interest in real or
12236 personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or
12237 outside the district;

12238 (c) acquire or construct works, facilities, or improvements, as provided in Subsection
12239 17B-1-103(2)(d), whether inside or outside the district;

12240 (d) acquire water, works, water rights, and sources of water necessary or convenient to
12241 the full exercise of the district's powers, whether the water, works, water rights, or sources of
12242 water are inside or outside the district, and encumber, sell, lease, transfer an interest in, or
12243 dispose of water, works, water rights, and sources of water;

12244 (e) fix rates and terms for the sale, lease, or other disposal of water;

12245 (f) acquire rights to the use of water from works constructed or operated by the district
12246 or constructed or operated pursuant to a contract to which the district is a party, and sell rights
12247 to the use of water from those works;

12248 (g) levy assessments against lands within the district to which water is allotted on the
12249 basis of:

12250 (i) a uniform district-wide value per acre foot of irrigation water; or

12251 (ii) a uniform unit-wide value per acre foot of irrigation water, if the board divides the
12252 district into units and fixes a different value per acre foot of water in the respective units;

12253 (h) fix rates for the sale, lease, or other disposal of water, other than irrigation water, at
12254 rates that are equitable, though not necessarily equal or uniform, for like classes of service;

12255 (i) adopt and modify plans and specifications for the works for which the district was
12256 organized;

12257 (j) investigate and promote water conservation and development;

12258 (k) appropriate and otherwise acquire water and water rights inside or outside the state;

12259 (l) develop, store, treat, and transport water;

12260 (m) acquire stock in canal companies, water companies, and water users associations;

12261 (n) acquire, construct, operate, or maintain works for the irrigation of land;

12262 (o) subject to Subsection (2), sell water and water services to individual customers and
12263 charge sufficient rates for the water and water services supplied;

12264 (p) own property for district purposes within the boundaries of a municipality; and

12265 (q) coordinate water resource planning among public entities.

12266 (2) (a) A water conservancy district and another political subdivision of the state may
12267 contract with each other, and a water conservancy district may contract with one or more public
12268 entities and private persons, for:

12269 (i) the joint operation or use of works owned by any party to the contract; or

12270 (ii) the sale, purchase, lease, exchange, or loan of water, water rights, works, or related
12271 services.

12272 (b) An agreement under Subsection (2)(a) may provide for the joint use of works
12273 owned by one of the contracting parties if the agreement provides for reasonable compensation.

12274 (c) A statutory requirement that a district supply water to its own residents on a priority
12275 basis does not apply to a contract under Subsection (2)(a).

12276 (d) An agreement under Subsection (2)(a) may include terms that the parties determine,
12277 including:

12278 (i) a term of years specified by the contract;

12279 (ii) a requirement that the purchasing party make specified payments, without regard to
12280 actual taking or use;

12281 (iii) a requirement that the purchasing party pay user charges, charges for the
12282 availability of water or water facilities, or other charges for capital costs, debt service,
12283 operating and maintenance costs, and the maintenance of reasonable reserves, whether or not
12284 the related water, water rights, or facilities are acquired, completed, operable, or operating, and
12285 notwithstanding the suspension, interruption, interference, reduction, or curtailment of water or
12286 services for any reason;

12287 (iv) provisions for one or more parties to acquire an undivided ownership interest in, or
12288 a contractual right to the capacity, output, or services of, joint water facilities, and establishing:

12289 (A) the methods for financing the costs of acquisition, construction, and operation of
12290 the joint facilities;

12291 (B) the method for allocating the costs of acquisition, construction, and operation of
12292 the facilities among the parties consistent with their respective interests in or rights to the
12293 facilities;

12294 (C) a management committee comprised of representatives of the parties, which may
12295 be responsible for the acquisition, construction, and operation of the facilities as the parties
12296 determine; and

12297 (D) the remedies upon a default by any party in the performance of its obligations
12298 under the contract, which may include a provision obligating or enabling the other parties to
12299 succeed to all or a portion of the ownership interest or contractual rights and obligations of the
12300 defaulting party; and

12301 (v) provisions that a purchasing party make payments from:

12302 (A) general or other funds of the purchasing party;

12303 (B) the proceeds of assessments levied under this part;

12304 (C) the proceeds of impact fees imposed by any party under Title 11, Chapter 36,
12305 Impact Fees Act;

12306 (D) revenues from the operation of the water system of a party receiving water or
12307 services under the contract;

12308 (E) proceeds of any revenue-sharing arrangement between the parties, including
12309 amounts payable as a percentage of revenues or net revenues of the water system of a party
12310 receiving water or services under the contract; and

12311 (F) any combination of the sources of payment listed in Subsections (2)(d)(v)(A)
12312 through (E).

12313 (3) (a) A water conservancy district may enter into a contract with another state or a
12314 political subdivision of another state for the joint construction, operation, or ownership of a
12315 water facility.

12316 (b) Water from any source in the state may be appropriated and used for beneficial
12317 purposes within another state only as provided in Title 73, Chapter 3a, Water Exports.

12318 (4) (a) Except as provided in Subsection (4)(b), a water conservancy district may not
12319 sell water to a customer located within a municipality for domestic or culinary use without the
12320 consent of the municipality.

12321 (b) Subsection (4)(a) does not apply if:

12322 (i) the property of a customer to whom a water conservancy district sells water was, at
 12323 the time the district began selling water to the customer, within an unincorporated area of a
 12324 county; and

12325 (ii) after the district begins selling water to the customer, the property becomes part of
 12326 a municipality through municipal incorporation or annexation.

12327 (5) A water conservancy district may not carry or transport water in transmountain
 12328 diversion if title to the water was acquired by a municipality by eminent domain.

12329 (6) A water conservancy district may not be required to obtain a franchise for the
 12330 acquisition, ownership, operation, or maintenance of property.

12331 (7) A water conservancy district may not acquire by eminent domain title to or
 12332 beneficial use of vested water rights for transmountain diversion.

12333 Section 363. Section **17B-2a-1005**, which is renumbered from Section 17A-2-1409 is
 12334 renumbered and amended to read:

12335 ~~[17A-2-1409].~~ **17B-2a-1005.** **Water conservancy district board of trustees --**
 12336 **Selection of members -- Number -- Qualifications -- Terms -- Vacancies -- Surety bonds --**
 12337 **Authority.**

12338 (1) (a) Within 45 days after ~~[entry of the decree incorporating the]~~ the creation of a
 12339 water conservancy district as provided in Section 17B-1-215, the board of trustees shall be
 12340 selected as provided in this Subsection (1).

12341 (b) For a district ~~[that consists]~~ located entirely within the boundaries of a single
 12342 county, the county legislative body of that county shall appoint each trustee.

12343 (c) (i) For a district ~~[that consists of]~~ located in more than a single county, the
 12344 governor, with the consent of the Senate, shall appoint each trustee from nominees submitted
 12345 as provided in this Subsection (1)(c).

12346 (ii) (A) Except as provided in Subsection (1)(c)(ii)(B), in a division composed solely of
 12347 ~~[incorporated cities]~~ municipalities, the legislative body of each ~~[city]~~ municipality within the
 12348 division shall submit two nominees per trustee.

12349 (B) Notwithstanding Subsection (1)(c)(ii)(A), the legislative body of a ~~[city]~~

12350 municipality may submit fewer than two nominees per trustee if the legislative body certifies in
12351 writing to the governor that the legislative body is unable, after reasonably diligent effort, to
12352 identify two nominees who are willing and qualified to serve as trustee.

12353 (iii) (A) Except as provided in Subsection (1)(c)(iii)(B), in all other divisions, the
12354 county legislative body of the county in which the division is located shall submit three
12355 nominees per trustee.

12356 (B) Notwithstanding Subsection (1)(c)(iii)(A), the county legislative body may submit
12357 fewer than three nominees per trustee if the county legislative body certifies in writing to the
12358 governor that the county legislative body is unable, after reasonably diligent effort, to identify
12359 three nominees who are willing and qualified to serve as trustee.

12360 (iv) If a trustee represents a division located in more than one county, the county
12361 ~~[governing]~~ legislative bodies of those counties shall collectively compile the list of three
12362 nominees.

12363 (v) For purposes of this Subsection (1)(c), a ~~[city]~~ municipality that is located in more
12364 than one county shall be considered to be located in only the county in which more of the ~~[city]~~
12365 municipal area is located than in any other county.

12366 (d) In districts where substantial water is allocated for irrigated agriculture, one trustee
12367 appointed in that district shall be a person who owns irrigation rights and uses those rights as
12368 part of that person's livelihood.

12369 (2) (a) ~~[The court shall establish the number, representation, and votes of trustees for~~
12370 ~~each district in the decree creating the district.]~~ The board of trustees of ~~[the]~~ a water
12371 conservancy district shall consist of:

12372 (i) except as provided in Subsection (2)(a)(ii), not more than 11 persons who are
12373 residents of the district~~[- If]; or~~

12374 (ii) if the district consists of five or more counties, ~~[the board of trustees shall consist~~
12375 ~~of]~~ not more than 21 persons who are residents of the district.

12376 (b) At least 90 days before expiration of a trustee's term, the ~~[secretary of the]~~ board
12377 shall:

12378 (i) give written notice of ~~[vacancies in any office of trustee and of the expiration date of~~
12379 ~~terms of office of trustees]~~ the upcoming vacancy and the date when the trustee's term expires
12380 to the county legislative body in single county districts and to the nominating entities and the
12381 governor in all other districts; and

12382 (ii) publish the notice in a newspaper having general circulation within the district.

12383 (c) (i) Upon receipt of the notice of the expiration of a trustee's term or notice of a
12384 vacancy in the office of trustee, the county or municipal legislative body ~~[of the city or the~~
12385 ~~county legislative body]~~, as the case may be, shall nominate candidates to fill the unexpired
12386 term of office pursuant to Subsection (1).

12387 (ii) If a trustee is to be appointed by the governor and the entity charged with
12388 nominating candidates ~~[for appointment by the governor]~~ has not submitted the list of
12389 nominees within 90 days after service of the notice, the governor shall make the appointment
12390 from qualified candidates without consultation with the county or municipal legislative body
12391 ~~[of the city or the county legislative body].~~

12392 (iii) If the governor fails to appoint, the incumbent shall continue to serve until a
12393 successor is appointed and qualified.

12394 (iv) Appointment by the governor vests in the appointee, upon qualification, the
12395 authority to discharge the duties of trustee, subject only to the consent of the Senate.

12396 (d) Each trustee shall hold office during the term for which appointed and until a
12397 successor is duly appointed and has qualified.

12398 (3) Each trustee shall furnish a corporate surety bond at the expense of the district, ~~[in~~
12399 ~~amount and form fixed and approved by the court,]~~ conditioned for the faithful performance of
12400 duties as a trustee.

12401 ~~[(4) (a) A report of the business transacted during the preceding year by the district,~~
12402 ~~including a financial report prepared by certified public accountants, shall be filed with:]~~

12403 ~~[(i) the clerk of the district court,]~~

12404 ~~[(ii) the governing bodies of counties with lands within the district, and]~~

12405 ~~[(iii) cities charged with nominating trustees.]~~

12406 ~~[(b) No more than 14 days and no less than five days prior to the annual meeting, the~~
12407 ~~district shall have published at least once in a newspaper having general circulation within the~~
12408 ~~district:]~~

12409 ~~[(i) a notice of the annual meeting; and]~~

12410 ~~[(ii) the names of the trustees:]~~

12411 ~~[(c) The district shall have published a summary of its financial report in a newspaper~~
12412 ~~having general circulation within the district. The summary shall be published no later than 30~~
12413 ~~days after the date the audit report required under Title 51, Chapter 2a, Accounting Reports~~
12414 ~~from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, is required~~
12415 ~~to be filed with the state auditor:]~~

12416 ~~[(d) Subsections (4)(b) and (c) do not apply to districts with annual revenues of less~~
12417 ~~than \$1,000,000:]~~

12418 (4) (a) The board of trustees of a water conservancy district may:

12419 (i) make and enforce all reasonable rules and regulations for the management, control,
12420 delivery, use, and distribution of water;

12421 (ii) withhold the delivery of water with respect to which there is a default or
12422 delinquency of payment;

12423 (iii) provide for and declare a forfeiture of the right to the use of water upon the default
12424 or failure to comply with an order, contract, or agreement for the purchase, lease, or use of
12425 water, and resell, lease, or otherwise dispose of water with respect to which a forfeiture has
12426 been declared;

12427 (iv) allocate and reallocate the use of water to lands within the district;

12428 (v) provide for and grant the right, upon terms, to transfer water from lands to which
12429 water has been allocated to other lands within the district;

12430 (vi) create a lien, as provided in this part, upon land to which the use of water is
12431 transferred;

12432 (vii) discharge a lien from land to which a lien has attached; and

12433 (viii) subject to Subsection (4)(b), enter into a written contract for the sale, lease, or

12434 other disposition of the use of water.

12435 (b) (i) A contract under Subsection (4)(a)(viii) may provide for the use of water
12436 perpetually or for a specified term.

12437 (ii) (A) If a contract under Subsection (4)(a)(viii) makes water available to the
12438 purchasing party without regard to actual taking or use, the board may require that the
12439 purchasing party give security for the payment to be made under the contract, unless the
12440 contract requires the purchasing party to pay for certain specified annual minimums.

12441 (B) The security requirement under Subsection (4)(b)(iii)(A) in a contract with a public
12442 entity may be met by including in the contract a provision for the public entity's levy of a
12443 special assessment to make annual payments to the district.

12444 Section 364. Section **17B-2a-1006** is enacted to read:

12445 **17B-2a-1006. Limits on water conservancy district property tax levy -- Additional**
12446 **levy.**

12447 (1) Except as provided in Subsection (2) and subject to Subsection (3), the property tax
12448 levy of a water conservancy district for all purposes may not exceed:

12449 (a) .0001 per dollar of taxable value of taxable property in the district, before the
12450 earliest of:

12451 (i) the planning or design of works;

12452 (ii) the acquisition of the site or right-of-way on which the works will be constructed;

12453 or

12454 (iii) the commencement of construction of the works; and

12455 (b) .0002 per dollar of taxable value of taxable property in the district, after the earliest
12456 of the events listed in Subsection (1)(a).

12457 (2) Notwithstanding Subsection (1) and subject to Subsection (3):

12458 (a) in a district that contains land located within the Lower Colorado River Basin, the
12459 levy after the earliest of the events listed in Subsection (1)(a) may be increased to a maximum
12460 of .001 per dollar of taxable value of taxable property in the district; and

12461 (b) in a district to be served under a contract, water appropriation, water allotment, or

12462 otherwise by water apportioned by the Colorado River Compact to the Upper Basin, the levy
12463 after the earliest of the events listed in Subsection (1)(a) may be increased to a maximum of
12464 .0004 per dollar of taxable value of taxable property.

12465 (3) Notwithstanding the limits on the rate of property tax levies under Subsections (1)
12466 and (2), a water conservancy district may impose an additional property tax levy, not to exceed
12467 .0001 per dollar of taxable value of taxable property in the district, if the additional levy is
12468 necessary to provide adequate funds to pay maturing bonds or other debts of the district.

12469 Section 365. Section **17B-2a-1007** is enacted to read:

12470 **17B-2a-1007. Contract assessments.**

12471 (1) As used in this section:

12472 (a) "Assessed land" means:

12473 (i) for a contract assessment under a water contract with a private water user, the land
12474 owned by the private water user that receives the beneficial use of water under the water
12475 contract; or

12476 (ii) for a contract assessment under a water contract with a public water user, the land
12477 within the boundaries of the public water user that is within the boundaries of the water
12478 conservancy district and that receives the beneficial use of water under the water contract.

12479 (b) "Contract assessment" means an assessment levied as provided in this section by a
12480 water conservancy district on assessed land.

12481 (c) "Governing body" means:

12482 (i) for a county, city, or town, the legislative body of the county, city, or town;

12483 (ii) for a local district, the board of trustees of the local district;

12484 (iii) for a special service district:

12485 (A) the legislative body of the county, city, or town that established the special service
12486 district, if no administrative control board has been appointed under Section 17A-2-1326; or

12487 (B) the administrative control board of the special service district, if an administrative
12488 control board has been appointed under Section 17A-2-1326; and

12489 (iv) for any other political subdivision of the state, the person or body with authority to

12490 govern the affairs of the political subdivision.

12491 (d) "Petitioner" means a private petitioner or a public petitioner.

12492 (e) "Private petitioner" means an owner of land within a water conservancy district who
12493 submits a petition to a water conservancy district under Subsection (3) to enter into a water
12494 contract with the district.

12495 (f) "Private water user" means an owner of land within a water conservancy district
12496 who enters into a water contract with the district.

12497 (g) "Public petitioner" means a political subdivision of the state:

12498 (i) whose territory is partly or entirely within the boundaries of a water conservancy
12499 district; and

12500 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter
12501 into a water contract with the district.

12502 (h) "Public water user" means a political subdivision of the state:

12503 (i) whose territory is partly or entirely within the boundaries of a water conservancy
12504 district; and

12505 (ii) that enters into a water contract with the district.

12506 (i) "Water contract" means a contract between a water conservancy district and a
12507 private water user or a public water user under which the water user purchases, leases, or
12508 otherwise acquires the beneficial use of water from the water conservancy district for the
12509 benefit of:

12510 (i) land owned by the private water user; or

12511 (ii) land within the public water user's boundaries that is also within the boundaries of
12512 the water conservancy district.

12513 (j) "Water user" means a private water user or a public water user.

12514 (2) A water conservancy district may levy a contract assessment as provided in this
12515 section.

12516 (3) (a) The governing body of a public petitioner may authorize its chief executive
12517 officer to submit a written petition on behalf of the public petitioner to a water conservancy

12518 district requesting to enter into a water contract.

12519 (b) A private petitioner may submit a written petition to a water conservancy district
12520 requesting to enter into a water contract.

12521 (c) Each petition under this Subsection (3) shall include:

12522 (i) the petitioner's name;

12523 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

12524 (iii) a description of the land upon which the water will be used;

12525 (iv) the price to be paid for the water;

12526 (v) the amount of any service, turnout, connection, distribution system, or other charge
12527 to be paid;

12528 (vi) whether payment will be made in cash or annual installments;

12529 (vii) a provision requiring the contract assessment to become a lien on the land for
12530 which the water is petitioned and is to be allotted; and

12531 (viii) an agreement that the petitioner is bound by the provisions of this part and the
12532 rules and regulations of the water conservancy district board of trustees.

12533 (4) (a) If the board of a water conservancy district desires to consider a petition
12534 submitted by a petitioner under Subsection (3), the board shall:

12535 (i) publish notice of the petition and of the hearing required under Subsection (4)(a)(ii)
12536 at least once a week in two successive weeks in a newspaper of general circulation within the
12537 county in which the political subdivision or private petitioner's land, as the case may be, is
12538 located; and

12539 (ii) hold a public hearing on the petition.

12540 (b) Each notice under Subsection (4)(a)(i) shall:

12541 (i) state that a petition has been filed and that the district is considering levying a
12542 contract assessment; and

12543 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).

12544 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the
12545 water conservancy district shall:

12546 (A) allow any interested person to appear and explain why the petition should not be
12547 granted; and

12548 (B) consider each written objection to the granting of the petition that the board
12549 receives before or at the hearing.

12550 (ii) The board of trustees may adjourn and reconvene the hearing as the board considers
12551 appropriate.

12552 (d) (i) Any interested person may file with the board of the water conservancy district,
12553 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting
12554 a petition.

12555 (ii) Each person who fails to submit a written objection within the time provided under
12556 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and
12557 levying a contract assessment.

12558 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of
12559 trustees of a water conservancy district may:

12560 (a) deny the petition; or

12561 (b) grant the petition, if the board considers granting the petition to be in the best
12562 interests of the district.

12563 (6) The board of a water conservancy district that grants a petition under this section
12564 may:

12565 (a) make an allotment of water for the benefit of assessed land;

12566 (b) authorize any necessary construction to provide for the use of water upon the terms
12567 and conditions stated in the water contract;

12568 (c) divide the district into units and fix a different rate for water purchased or otherwise
12569 acquired and for other charges within each unit, if the rates and charges are equitable, although
12570 not equal and uniform, for similar classes of services throughout the district; and

12571 (d) levy a contract assessment on assessed land.

12572 (7) (a) The board of trustees of each water conservancy district that levies a contract
12573 assessment under this section shall:

12574 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment
12575 to be recorded in the office of the recorder of each county in which assessed land is located;

12576 and

12577 (ii) on or before July 1 of each year after levying the contract assessment, certify to the
12578 auditor of each county in which assessed land is located the amount of the contract assessment.

12579 (b) Upon the recording of the resolution or ordinance under Subsection (7)(a)(i), the
12580 contract assessment associated with allotting water to the assessed land under the water
12581 contract becomes a perpetual lien on the assessed land.

12582 (c) Each county in which assessed land is located shall collect the contract assessment
12583 in the same manner as taxes levied by the county.

12584 (8) (a) The board of trustees of each water conservancy district that levies a contract
12585 assessment under this section shall:

12586 (i) hold a public hearing, before August 8 of each year in which a contract assessment
12587 is levied, to hear and consider objections filed under Subsection (8)(b); and

12588 (ii) twice publish a notice, at least a week apart:

12589 (A) (I) in a newspaper of general circulation in each county with assessed land included
12590 within the district boundaries; or

12591 (II) if there is no newspaper of general circulation within the county, in a newspaper of
12592 general circulation in an adjoining county;

12593 (B) that contains:

12594 (I) a general description of the assessed land;

12595 (II) the amount of the contract assessment; and

12596 (III) the time and place of the public hearing under Subsection (8)(a)(i).

12597 (b) An owner of assessed land within the water conservancy district who believes that
12598 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the
12599 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to
12600 the assessment, stating the grounds for the objection.

12601 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and

12602 consider the evidence and arguments supporting each objection.

12603 (ii) After hearing and considering the evidence and arguments supporting an objection,

12604 the board of trustees:

12605 (A) shall enter a written order, stating its decision; and

12606 (B) may modify the assessment.

12607 (d) (i) An owner of assessed land may file a petition in district court seeking review of

12608 a board of trustees' order under Subsection (8)(c)(i)(A).

12609 (ii) Each petition under Subsection (8)(d)(i) shall:

12610 (A) be filed within 30 days after the board enters its written order;

12611 (B) state specifically the part of the board's order for which review is sought; and

12612 (C) be accompanied by a bond with good and sufficient security in an amount not

12613 exceeding \$200, as determined by the court clerk.

12614 (iii) If more than one owner of assessed land seeks review, the court may, upon a

12615 showing that the reviews may be consolidated without injury to anyone's interests, consolidate

12616 the reviews and hear them together.

12617 (iv) The court shall act as quickly as possible after a petition is filed.

12618 (v) A court may not disturb a board of trustees' order unless the court finds that the

12619 contract assessment on the petitioner's assessed land is manifestly disproportionate to

12620 assessments imposed upon other land in the district.

12621 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is

12622 conclusively considered to have been made in proportion to the benefits conferred on the land

12623 in the district.

12624 (9) Each resolution, ordinance, or order under which a water conservancy district

12625 levied a Class B, Class C, or Class D assessment before April 30, 2007 under the law in effect

12626 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district

12627 may continue to levy the assessment according to the terms of the resolution, ordinance, or

12628 order.

12629 (10) A contract assessment is not a levy of an ad valorem property tax and is not

12630 subject to the limits stated in Section 17B-2a-1006.

12631 Section 366. Section **17B-2a-1008** is enacted to read:

12632 **17B-2a-1008. Subdistricts to become water conservancy districts.**

12633 Each water conservancy subdistrict, created and operating under the law in effect before
12634 April 30, 2007 and existing on April 30, 2007, shall, on that date, become a water conservancy
12635 district.

12636 Section 367. Section **17C-1-102** is amended to read:

12637 **17C-1-102. Definitions.**

12638 As used in this title:

12639 (1) "Adjusted tax increment" means:

12640 (a) for tax increment under a pre-July 1, 1993 project area plan, tax increment under
12641 Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

12642 (b) for tax increment under a post-June 30, 1993 project area plan, tax increment under
12643 Section 17C-1-404, excluding tax increment under Section 17C-1-406.

12644 (2) "Affordable housing" means housing to be owned or occupied by persons and
12645 families of low or moderate income, as determined by resolution of the agency.

12646 (3) "Agency" or "community development and renewal agency" means a separate body
12647 corporate and politic, created under Section 17C-1-201 or as a redevelopment agency under
12648 previous law, that is a political subdivision of the state, that is created to undertake or promote
12649 urban renewal, economic development, or community development, or any combination of
12650 them, as provided in this title, and whose geographic boundaries are coterminous with:

12651 (a) for an agency created by a county, the unincorporated area of the county; and

12652 (b) for an agency created by a city or town, the boundaries of the city or town.

12653 (4) "Annual income" has the meaning as defined under regulations of the U.S.

12654 Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as
12655 superseded by replacement regulations.

12656 (5) "Assessment roll" has the meaning as defined in Section 59-2-102.

12657 (6) "Base taxable value" means the taxable value of the property within a project area

12658 from which tax increment will be collected, as shown upon the assessment roll last equalized
12659 before:

12660 (a) for a pre-July 1, 1993 project area plan, the effective date of the project area plan; or

12661 (b) for a post-June 30, 1993 project area plan:

12662 (i) the date of the taxing entity committee's approval of the first project area budget; or

12663 (ii) if no taxing entity committee approval is required for the project area budget, the

12664 later of:

12665 (A) the date the project area plan is adopted by the community legislative body; and

12666 (B) the date the agency adopts the first project area budget.

12667 (7) "Basic levy" means the portion of a school district's tax levy constituting the

12668 minimum basic levy under Section 59-2-902.

12669 (8) "Blight" or "blighted" means the condition of an area that meets the requirements of
12670 Subsection 17C-2-303(1).

12671 (9) "Blight hearing" means a public hearing under Subsection 17C-2-102(1)(a)(iii) and
12672 Section 17C-2-302 regarding the existence or nonexistence of blight within the proposed urban
12673 renewal project area.

12674 (10) "Blight study" means a study to determine the existence or nonexistence of blight
12675 within a survey area as provided in Section 17C-2-301.

12676 (11) "Board" means the governing body of an agency, as provided in Section
12677 17C-1-203.

12678 (12) "Budget hearing" means the public hearing on a draft project area budget required
12679 under Subsection 17C-2-201(2)(d) for an urban renewal project area budget or Subsection
12680 17C-3-201(2)(d) for an economic development project area budget.

12681 (13) "Combined incremental value" means the combined total of all incremental values
12682 from all urban renewal project areas, except project areas that contain some or all of a military
12683 installation or inactive industrial site, within the agency's boundaries under adopted project area
12684 plans and adopted project area budgets at the time that a project area budget for a new urban
12685 renewal project area is being considered.

- 12686 (14) "Community" means a county, city, or town.
- 12687 (15) "Community development" means development activities within a community,
12688 including the encouragement, promotion, or provision of development.
- 12689 (16) "Economic development" means to promote the creation or retention of public or
12690 private jobs within the state through:
- 12691 (a) planning, design, development, construction, rehabilitation, business relocation, or
12692 any combination of these, within a community; and
- 12693 (b) the provision of office, industrial, manufacturing, warehousing, distribution,
12694 parking, public, or other facilities, or other improvements that benefit the state or a community.
- 12695 (17) "Fair share ratio" means the ratio derived by:
- 12696 (a) for a city or town, comparing the percentage of all housing units within the city or
12697 town that are publicly subsidized income targeted housing units to the percentage of all housing
12698 units within the whole county that are publicly subsidized income targeted housing units; or
- 12699 (b) for the unincorporated part of a county, comparing the percentage of all housing
12700 units within the unincorporated county that are publicly subsidized income targeted housing
12701 units to the percentage of all housing units within the whole county that are publicly subsidized
12702 income targeted housing units.
- 12703 (18) "Family" has the meaning as defined under regulations of the U.S. Department of
12704 Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by
12705 replacement regulations.
- 12706 (19) "Greenfield" means land not developed beyond agricultural or forestry use.
- 12707 (20) "Housing funds" means the funds allocated in an urban renewal project area
12708 budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).
- 12709 (21) (a) "Inactive industrial site" means land that:
- 12710 (i) consists of at least 1,000 acres;
- 12711 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
12712 facility; and
- 12713 (iii) requires remediation because of the presence of hazardous or solid waste as

12714 defined in Subsection 17B-4-604(1)(a)(iii)(I), as last amended by Chapter 292, Laws of Utah
12715 2005.

12716 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
12717 described in Subsection (21)(a).

12718 (22) "Income targeted housing" means housing to be owned or occupied by a family
12719 whose annual income is at or below 80% of the median annual income for the county in which
12720 the housing is located.

12721 (23) "Incremental value" means a figure derived by multiplying the marginal value of
12722 the property located within an urban renewal project area on which tax increment is collected
12723 by a number that represents the percentage of adjusted tax increment from that project area that
12724 is paid to the agency.

12725 (24) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
12726 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

12727 (25) "Marginal value" means the difference between actual taxable value and base
12728 taxable value.

12729 (26) "Military installation project area" means a project area or a portion of a project
12730 area located within a federal military installation ordered closed by the federal Defense Base
12731 Realignment and Closure Commission.

12732 (27) "Plan hearing" means the public hearing on a draft project area plan required
12733 under Subsection 17C-2-102(1)(a)(viii) for an urban renewal project area plan, Subsection
12734 17C-3-102(1)(d) for an economic development project area plan, and Subsection
12735 17C-4-102(1)(d) for a community development project area plan.

12736 (28) "Post-June 30, 1993 project area plan" means a project area plan adopted on or
12737 after July 1, 1993, whether or not amended subsequent to its adoption.

12738 (29) "Pre-July 1, 1993 project area plan" means a project area plan adopted before July
12739 1, 1993, whether or not amended subsequent to its adoption.

12740 (30) "Private," with respect to real property, means:

12741 (a) not owned by the United States or any agency of the federal government, a public

12742 entity, or any other governmental entity; and

12743 (b) not dedicated to public use.

12744 (31) "Project area" means the geographic area described in a project area plan or draft
12745 project area plan where the urban renewal, economic development, or community
12746 development, as the case may be, set forth in the project area plan or draft project area plan
12747 takes place or is proposed to take place.

12748 (32) "Project area budget" means a multiyear projection of annual or cumulative
12749 revenues and expenses and other fiscal matters pertaining to a urban renewal or economic
12750 development project area that includes:

12751 (a) the base taxable value of property in the project area;

12752 (b) the projected tax increment expected to be generated within the project area;

12753 (c) the amount of tax increment expected to be shared with other taxing entities;

12754 (d) the amount of tax increment expected to be used to implement the project area plan,
12755 including the estimated amount of tax increment to be used for land acquisition, public
12756 improvements, infrastructure improvements, and loans, grants, or other incentives to private
12757 and public entities;

12758 (e) the tax increment expected to be used to cover the cost of administering the project
12759 area plan;

12760 (f) if the area from which tax increment is to be collected is less than the entire project
12761 area:

12762 (i) the tax identification numbers of the parcels from which tax increment will be
12763 collected; or

12764 (ii) a legal description of the portion of the project area from which tax increment will
12765 be collected; and

12766 (g) for property that the agency owns and expects to sell, the expected total cost of the
12767 property to the agency and the expected selling price.

12768 (33) "Project area plan" means a written plan under Part 4, Project Area Plan, that, after
12769 its effective date, guides and controls the urban renewal, economic development, or community

12770 development activities within a project area.

12771 (34) "Property tax" includes privilege tax and each levy on an ad valorem basis on
12772 tangible or intangible personal or real property.

12773 (35) "Public entity" means:

12774 (a) the state, including any of its departments or agencies; or

12775 (b) a political subdivision of the state, including a county, city, town, school district,
12776 [~~special district,~~] local district, special service district, or interlocal cooperation entity.

12777 (36) "Publicly owned infrastructure and improvements" means water, sewer, storm
12778 drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk,
12779 walkways, parking facilities, public transportation facilities, and other facilities, infrastructure,
12780 and improvements benefitting the public and to be publicly owned or publicly maintained or
12781 operated.

12782 (37) "Record property owner" or "record owner of property" means the owner of real
12783 property as shown on the records of the recorder of the county in which the property is located
12784 and includes a purchaser under a real estate contract if the contract is recorded in the office of
12785 the recorder of the county in which the property is located or the purchaser gives written notice
12786 of the real estate contract to the agency.

12787 (38) "Superfund site":

12788 (a) means an area included in the National Priorities List under the Comprehensive
12789 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

12790 (b) includes an area formerly included in the National Priorities List, as described in
12791 Subsection (38)(a), but removed from the list following remediation that leaves on site the
12792 waste that caused the area to be included in the National Priorities List.

12793 (39) "Survey area" means an area designated by a survey area resolution for study to
12794 determine whether one or more urban renewal projects within the area are feasible.

12795 (40) "Survey area resolution" means a resolution adopted by the agency board under
12796 Subsection 17C-2-101(1)(a) designating a survey area.

12797 (41) "Taxable value" means the value of property as shown on the last equalized

12798 assessment roll as certified by the county assessor.

12799 (42) (a) "Tax increment" means, except as provided in Subsection (42)(b), the
12800 difference between:

12801 (i) the amount of property tax revenues generated each tax year by all taxing entities
12802 from the area within a project area designated in the project area plan as the area from which
12803 tax increment is to be collected, using the current assessed value of the property; and

12804 (ii) the amount of property tax revenues that would be generated from that same area
12805 using the base taxable value of the property.

12806 (b) "Tax increment" does not include taxes levied and collected under Section
12807 59-2-906.1 on or after January 1, 1994 upon the taxable property in the project area unless:

12808 (i) the project area plan was adopted before May 4, 1993, whether or not the project
12809 area plan was subsequently amended; and

12810 (ii) the taxes were pledged to support bond indebtedness or other contractual
12811 obligations of the agency.

12812 (43) "Taxing entity" means a public entity that levies a tax on property within a
12813 community.

12814 (44) "Taxing entity committee" means a committee representing the interests of taxing
12815 entities, created as provided in Section 17C-1-402.

12816 (45) "Unincorporated" means not within a city or town.

12817 (46) (a) "Urban renewal" means the development activities under a project area plan
12818 within an urban renewal project area, including:

12819 (i) planning, design, development, demolition, clearance, construction, rehabilitation,
12820 or any combination of these, of part or all of a project area;

12821 (ii) the provision of residential, commercial, industrial, public, or other structures or
12822 spaces, including recreational and other facilities incidental or appurtenant to them;

12823 (iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating, or
12824 any combination of these, existing structures in a project area;

12825 (iv) providing open space, including streets and other public grounds and space around

12826 buildings;
12827 (v) providing public or private buildings, infrastructure, structures, and improvements;
12828 and
12829 (vi) providing improvements of public or private recreation areas and other public
12830 grounds.

12831 (b) "Urban renewal" means "redevelopment," as defined under the law in effect before
12832 May 1, 2006, if the context requires.

12833 Section 368. Section **19-3-301** is amended to read:

12834 **19-3-301. Restrictions on nuclear waste placement in state.**

12835 (1) The placement, including transfer, storage, decay in storage, treatment, or disposal,
12836 within the exterior boundaries of Utah of high-level nuclear waste or greater than class C
12837 radioactive waste is prohibited.

12838 (2) Notwithstanding Subsection (1) the governor, after consultation with the county
12839 executive and county legislative body of the affected county and with concurrence of the
12840 Legislature, may specifically approve the placement as provided in this part, but only if:

12841 (a) (i) the federal Nuclear Regulatory Commission issues a license, pursuant to the
12842 Nuclear Waste Policy Act, 42 U.S.C.A. 10101 et seq., or the Atomic Energy Act, 42 U.S.C.A.
12843 2011 et seq., for the placement within the exterior boundaries of Utah of high-level nuclear
12844 waste or greater than class C radioactive waste; and

12845 (ii) the authority of the federal Nuclear Regulatory Commission to grant a license under
12846 Subsection (2)(a)(i) is clearly upheld by a final judgment of a court of competent jurisdiction;
12847 or

12848 (b) an agency of the federal government is transporting the waste, and all state and
12849 federal requirements to proceed with the transportation have been met.

12850 (3) The requirement for the approval of a final court of competent jurisdiction shall be
12851 met in all of the following categories, in order for a state license proceeding regarding waste to
12852 begin:

12853 (a) transfer or transportation, by rail, truck, or other mechanisms;

- 12854 (b) storage, including any temporary storage at a site away from the generating reactor;
- 12855 (c) decay in storage;
- 12856 (d) treatment; and
- 12857 (e) disposal.

12858 (4) (a) Upon satisfaction of the requirements of Subsection (2)(a), for each category
12859 listed in Subsection (3), or satisfaction of the requirements under Subsection (2)(b), the
12860 governor, with the concurrence of the attorney general, shall certify in writing to the executive
12861 director of the Department of Environmental Quality that all of the requirements have been
12862 met, and that any necessary state licensing processes may begin.

12863 (b) Separate certification under this Subsection (4) shall be given for each category in
12864 Subsection (3).

12865 (5) (a) The department shall make, by rule, a determination of the dollar amount of the
12866 health and economic costs expected to result from a reasonably foreseeable accidental release
12867 of waste involving a transfer facility or storage facility, or during transportation of waste,
12868 within the exterior boundaries of the state. The department may initiate rulemaking under this
12869 Subsection (5)(a) on or after March 15, 2001.

12870 (b) (i) The department shall also determine the dollar amount currently available to
12871 cover the costs as determined in Subsection (5)(a):

- 12872 (A) under nuclear industry self-insurance;
- 12873 (B) under federal insurance requirements; and
- 12874 (C) in federal monies.

12875 (ii) The department may not include any calculations of federal monies that may be
12876 appropriated in the future in determining the amount under Subsection (5)(b)(i).

12877 (c) The department shall use the information compiled under Subsections (5)(a) and (b)
12878 to determine the amount of unfunded potential liability in the event of a release of waste from a
12879 storage or transfer facility, or a release during the transportation of waste.

12880 (6) (a) State agencies may not, for the purpose of providing any goods, services, or
12881 municipal-type services to a storage facility or transfer facility, or to any organization engaged

12882 in the transportation of waste, enter into any contracts or any other agreements prior to:

12883 (i) the satisfaction of the conditions in Subsection (4); and

12884 (ii) the executive director of the department having certified that the requirements of
12885 Sections 19-3-304 through 19-3-308 have been met for the purposes of a license application
12886 proceeding for a storage facility or transfer facility.

12887 (b) Political subdivisions of the state may not enter into any contracts or any other
12888 agreements for the purpose of providing any goods, services, or municipal-type services to a
12889 storage facility or transfer facility, or to any organization engaged in the transportation of
12890 waste.

12891 (c) This Subsection (6) does not prohibit a state agency from exercising the regulatory
12892 authority granted to it by law.

12893 (7) (a) Notwithstanding any other provision of law, any political subdivision may not
12894 be formed pursuant to the laws of Utah for the purpose of providing any goods, services, or
12895 municipal-type services to a storage facility or transfer facility prior to the satisfaction of the
12896 conditions in Subsection (4). These political subdivisions include:

12897 (i) a cooperative;

12898 (ii) a ~~[special]~~ local district authorized by Title ~~[17A, Special Districts]~~ 17B, Limited
12899 Purposed Local Government Entities - Local Districts;

12900 (iii) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service
12901 District Act;

12902 ~~[(iii)]~~ (iv) a limited purpose local governmental entities authorized by Title 17,
12903 Counties;

12904 ~~[(iv)]~~ (v) any joint power agreement authorized by Title 11, Cities, Counties, and Local
12905 Taxing Units; and

12906 ~~[(v)]~~ (vi) the formation of a municipality, or any authority of a municipality authorized
12907 by Title 10, Utah Municipal Code.

12908 (b) (i) Subsection (7)(a) shall be strictly interpreted. Any political subdivision
12909 authorized and formed under the laws of the state on or after March 15, 2001 which

12910 subsequently contracts to, or in any manner agrees to provide, or does provide goods, services,
12911 or municipal-type services to a storage facility or transfer facility is formed in violation of
12912 Subsection (7)(a).

12913 (ii) If the conditions of Subsection (7)(b)(i) apply, the persons who formed the political
12914 subdivision are considered to have knowingly violated a provision of this part, and the
12915 penalties of Section 19-3-312 apply.

12916 (8) (a) An organization may not be formed for the purpose of providing any goods,
12917 services, or municipal-type services to a storage facility or transfer facility prior to:

12918 (i) the satisfaction of the conditions in Subsection (4); and

12919 (ii) the executive director of the department having certified that the requirements of
12920 Sections 19-3-304 through 19-3-308 have been met.

12921 (b) A foreign organization may not be registered to do business in the state for the
12922 purpose of providing any goods, services, or municipal-type services to a storage facility or
12923 transfer facility prior to:

12924 (i) the satisfaction of the conditions in Subsection (4); and

12925 (ii) the executive director of the department having certified that the requirements of
12926 Sections 19-3-304 through 19-3-308 have been met.

12927 (c) The prohibitions of Subsections (8)(a) and (b) shall be strictly applied, and:

12928 (i) the formation of a new organization or registration of a foreign organization within
12929 the state, any of whose purposes are to provide goods, services, or municipal-type services to a
12930 storage facility or transfer facility may not be licensed or registered in the state, and the local or
12931 foreign organization is void and does not have authority to operate within the state;

12932 (ii) any organization which is formed or registered on or after March 15, 2001, and
12933 which subsequently contracts to, or in any manner agrees to provide, or does provide goods,
12934 services, or municipal-type services to a storage facility or transfer facility has been formed or
12935 registered in violation of Subsection (8)(a) or (b) respectively; and

12936 (iii) if the conditions of Subsection (8)(c)(ii) apply, the persons who formed the
12937 organization or the principals of the foreign organization, are considered to have knowingly

12938 violated a provision of this part, and are subject to the penalties in Section 19-3-312.

12939 (9) (a) (i) Any contract or agreement to provide any goods, services, or municipal-type
12940 services to any organization engaging in, or attempting to engage in the placement of high-level
12941 nuclear waste or greater than class C radioactive waste at a storage facility or transfer facility
12942 within the state are declared to be against the greater public interest, health, and welfare of the
12943 state, by promoting an activity which has the great potential to cause extreme public harm.

12944 (ii) These contracts or agreements under Subsection (9)(a)(i), whether formal or
12945 informal, are declared to be void from inception, agreement, or execution as against public
12946 policy.

12947 (b) (i) Any contract or other agreement to provide goods, services, or municipal-type
12948 services to storage or transfer facilities may not be executed within the state.

12949 (ii) Any contract or other agreement, existing or executed on or after March 15, 2001,
12950 is considered void from the time of agreement or execution.

12951 (10) (a) All contracts and agreements under Subsection (10)(b) are assessed an annual
12952 transaction fee of 75% of the gross value of the contract to the party providing the goods,
12953 services, or municipal-type services to the storage facility or transfer facility or transportation
12954 entity. The fee shall be assessed per calendar year, and is payable on a prorated basis on or
12955 before the last day of each month in accordance with rules established under Subsection
12956 (10)(d), and as follows:

12957 (i) 25% of the gross value of the contract to the department; and

12958 (ii) 50% of the gross value of the contract to the Department of Community and
12959 Culture, to be used by the Utah Division of Indian Affairs as provided in Subsection (11).

12960 (b) Contracts and agreements subject to the fee under Subsection (10)(a) are those
12961 contracts and agreements to provide goods, services, or municipal-type services to a storage or
12962 transfer facility, or to any organization engaged in the transportation of high-level nuclear
12963 waste or greater than class C radioactive waste to a transfer facility or storage facility, and
12964 which:

12965 (i) are in existence on March 15, 2001; or

12966 (ii) become effective notwithstanding Subsection (9)(a).

12967 (c) Any governmental agency which regulates the charges to consumers for services
12968 provided by utilities or other organizations shall require the regulated utility or organization to
12969 include the fees under Subsection (10)(a) in the rates charged to the purchaser of the goods,
12970 services, or municipal-type services affected by Subsection (10)(b).

12971 (d) (i) The department, in consultation with the State Tax Commission, shall establish
12972 rules for the valuation of the contracts and assessment and collection of the fees, and other
12973 rules as necessary to determine the amount of and collection of the fee under Subsection
12974 (10)(a). The department may initiate rulemaking under this Subsection (10)(d)(i) on or after
12975 March 15, 2001.

12976 (ii) Persons and organizations holding contracts affected by Subsection (10)(b) shall
12977 make a good faith estimate of the fee under Subsection (10)(a) for calendar year 2001, and
12978 remit that amount to the department on or before July 31, 2001.

12979 (11) (a) The portion of the fees imposed under Subsection (10) which is to be paid to
12980 the Department of Community and Culture for use by the Utah Division of Indian Affairs shall
12981 be used for establishment of a statewide community and economic development program for
12982 the tribes of Native American people within the exterior boundaries of the state who have by
12983 tribal procedure established a position rejecting siting of any nuclear waste facility on their
12984 reservation lands.

12985 (b) The program under Subsection (11)(a) shall include:

- 12986 (i) educational services and facilities;
- 12987 (ii) health care services and facilities;
- 12988 (iii) programs of economic development;
- 12989 (iv) utilities;
- 12990 (v) sewer;
- 12991 (vi) street lighting;
- 12992 (vii) roads and other infrastructure; and
- 12993 (viii) oversight and staff support for the program.

12994 (12) It is the intent of the Legislature that this part does not prohibit or interfere with a
12995 person's exercise of the rights under the First Amendment to the Constitution of the United
12996 States or under Utah Constitution Article I, Sec. 15, by an organization attempting to site a
12997 storage facility or transfer facility within the borders of the state for the placement of high-level
12998 nuclear waste or greater than class C radioactive waste.

12999 Section 369. Section **19-4-111** is amended to read:

13000 **19-4-111. Fluorine added to or removed from water -- Election required.**

13001 (1) (a) Except as provided in Subsection 19-4-104(1)(a)(i), public water supplies,
13002 whether state, county, municipal, or district, may not have fluorine or any of its derivatives or
13003 compounds added to or removed from them without the approval of a majority of voters in an
13004 election in the area affected.

13005 (b) An election shall be held:

13006 (i) upon the filing of an initiative petition requesting the action in accordance with state
13007 law governing initiative petitions;

13008 (ii) in the case of a municipal, [~~special~~] local district, special service district, or county
13009 water system which is functionally separate from any other water system, upon the passage of a
13010 resolution by the legislative body or [~~special~~] local district or special service district board
13011 representing the affected voters, submitting the question to the affected voters at a municipal
13012 general election; or

13013 (iii) in a county of the first or second class, upon the passage of a resolution by the
13014 county legislative body to place an opinion question relating to all public water systems within
13015 the county, except as provided in Subsection (2), on the ballot at a general election.

13016 (2) If a majority of voters on an opinion question under Subsection (1)(b)(iii) approve
13017 the addition of fluorine to or the removal of fluorine from the public water supplies within the
13018 county, the local health departments shall require the addition of fluorine to or the removal of
13019 fluorine from all public water supplies within that county other than those systems:

13020 (a) that are functionally separate from any other public water systems in that county;

13021 and

13022 (b) where a majority of the voters served by the public water system voted against the
13023 addition or removal of fluorine on the opinion question under Subsection (1)(b)(iii).

13024 (3) Nothing contained in this section prohibits the addition of chlorine or other water
13025 purifying agents.

13026 (4) Any political subdivision which, prior to November 2, 1976, decided to and was
13027 adding fluorine or any of its derivatives or compounds to the drinking water is considered to
13028 have complied with Subsection (1).

13029 (5) In an election held pursuant to Subsections (1)(b)(i), (ii), or (iii), where a majority
13030 of the voters approve the addition to or removal of fluorine from the public water supplies, no
13031 election to consider removing fluorine from or adding fluorine to the public water supplies
13032 shall be held for a period of four years from the date of approval by the majority of voters
13033 beginning with elections held in November 2000.

13034 (6) For purposes of this section, "removal" means ceasing to add fluorine to a public
13035 water supply, the addition having been previously approved by the voters of a political
13036 subdivision.

13037 Section 370. Section **19-6-502** is amended to read:

13038 **19-6-502. Definitions.**

13039 As used in this part:

13040 (1) "Governing body" means the governing board, commission, or council of a public
13041 entity.

13042 (2) "Jurisdiction" means the area within the incorporated limits of a municipality,
13043 special service district, municipal-type service district, [county] service area, or all of the
13044 territorial area of a county not lying within a city or town.

13045 (3) "Long-term agreement" means an agreement or contract having a term of more than
13046 five years and less than 50 years.

13047 (4) "Public entity" means a county, municipality, special service district~~[-or county]~~
13048 under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, or service area
13049 ~~[created] under Title [17A] 17B, Chapter [2, Independent Special Districts,] 2a, Part 9, Service~~

13050 Area Act and a municipal-type service district created under Title 17, Chapter 34,
13051 Municipal-type Services to Unincorporated Areas.

13052 (5) "Resource recovery" means the separation, extraction, recycling, or recovery of
13053 usable materials, energy, fuel, or heat from solid waste and the disposition of it.

13054 (6) "Short-term agreement" means any contract or agreement having a term of five
13055 years or less.

13056 (7) "Solid waste" means all putrescible and nonputrescible materials or substances
13057 discarded or rejected as being spent, useless, worthless, or in excess to the owner's needs at the
13058 time of discard or rejection, including garbage, refuse, industrial and commercial waste,
13059 sludges from air or water control facilities, rubbish, ashes, contained gaseous material,
13060 incinerator residue, demolition, and construction debris, discarded automobiles and offal, but
13061 not including sewage and other highly diluted water carried materials or substances and those
13062 in gaseous form.

13063 (8) "Solid waste management" means the purposeful and systematic collection,
13064 transportation, storage, processing, recovery, and disposal of solid waste.

13065 (9) "Solid waste management facility" means any facility employed for solid waste
13066 management, including transfer stations, transport systems, baling facilities, landfills,
13067 processing systems, including resource recovery facilities or other facilities for reducing solid
13068 waste volume, plants and facilities for compacting, composting, or pyrolization of solid wastes,
13069 incinerators and other solid waste disposal, reduction, or conversion facilities, and facilities for
13070 resource recovery of energy consisting of:

13071 (a) facilities for the production, transmission, distribution, and sale of heat and
13072 steam[;]; and

13073 (b) facilities for the generation and sale of electric energy to a public utility or
13074 municipality or other public entity which owns and operates an electric power system on March
13075 15, 1982, and for the generation, sale, and transmission of electric energy on an emergency
13076 basis only to a military installation of the United States; provided, that solid waste management
13077 facilities are not a public utility as defined in Section 54-2-1.

13078 Section 371. Section **20A-1-102** is amended to read:

13079 **20A-1-102. Definitions.**

13080 As used in this title:

13081 (1) "Active voter" means a registered voter who has not been classified as an inactive
13082 voter by the county clerk.

13083 (2) "Automatic tabulating equipment" means apparatus that automatically examines
13084 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

13085 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon
13086 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and
13087 secrecy envelopes.

13088 (4) "Ballot sheet":

13089 (a) means a ballot that:

13090 (i) consists of paper or a card where the voter's votes are marked or recorded; and

13091 (ii) can be counted using automatic tabulating equipment; and

13092 (b) includes punch card ballots, and other ballots that are machine-countable.

13093 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
13094 contain the names of offices and candidates and statements of ballot propositions to be voted
13095 on and which are used in conjunction with ballot sheets that do not display that information.

13096 (6) "Ballot proposition" means opinion questions specifically authorized by the
13097 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions
13098 that are submitted to the voters for their approval or rejection.

13099 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
13100 20A-4-306 to canvass election returns.

13101 (8) "Bond election" means an election held for the purpose of approving or rejecting
13102 the proposed issuance of bonds by a government entity.

13103 (9) "Book voter registration form" means voter registration forms contained in a bound
13104 book that are used by election officers and registration agents to register persons to vote.

13105 (10) "By-mail voter registration form" means a voter registration form designed to be

13106 completed by the voter and mailed to the election officer.

13107 (11) "Canvass" means the review of election returns and the official declaration of
13108 election results by the board of canvassers.

13109 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
13110 the canvass.

13111 (13) "Convention" means the political party convention at which party officers and
13112 delegates are selected.

13113 (14) "Counting center" means one or more locations selected by the election officer in
13114 charge of the election for the automatic counting of ballots.

13115 (15) "Counting judge" means a poll worker designated to count the ballots during
13116 election day.

13117 (16) "Counting poll watcher" means a person selected as provided in Section
13118 20A-3-201 to witness the counting of ballots.

13119 (17) "Counting room" means a suitable and convenient private place or room,
13120 immediately adjoining the place where the election is being held, for use by the counting judges
13121 to count ballots during election day.

13122 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

13123 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

13124 (20) "County officers" means those county officers that are required by law to be
13125 elected.

13126 (21) "Election" means a regular general election, a municipal general election, a
13127 statewide special election, a local special election, a regular primary election, a municipal
13128 primary election, and a ~~special~~ local district election.

13129 (22) "Election Assistance Commission" means the commission established by Public
13130 Law 107-252, the Help America Vote Act of 2002.

13131 (23) "Election cycle" means the period beginning on the first day persons are eligible to
13132 file declarations of candidacy and ending when the canvass is completed.

13133 (24) "Election judge" means each canvassing judge, counting judge, and receiving

13134 judge.

13135 (25) "Election officer" means:

13136 (a) the lieutenant governor, for all statewide ballots;

13137 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
13138 as provided in Section 20A-5-400.5;

13139 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
13140 provided in Section 20A-5-400.5;

13141 (d) the ~~[special]~~ local district clerk or chief executive officer for certain ballots and
13142 elections as provided in Section 20A-5-400.5; and

13143 (e) the business administrator or superintendent of a school district for certain ballots
13144 or elections as provided in Section 20A-5-400.5.

13145 (26) "Election official" means any election officer, election judge, poll worker, or
13146 satellite registrar.

13147 (27) "Election results" means, for bond elections, the count of those votes cast for and
13148 against the bond proposition plus any or all of the election returns that the board of canvassers
13149 may request.

13150 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
13151 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
13152 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
13153 spoiled ballots, the ballot disposition form, and the total votes cast form.

13154 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
13155 device or other voting device that records and stores ballot information by electronic means.

13156 (30) "Electronic voting system" means a system in which a voting device is used in
13157 conjunction with ballots so that votes recorded by the voter are counted and tabulated by
13158 automatic tabulating equipment.

13159 (31) "Inactive voter" means a registered voter who has been sent the notice required by
13160 Section 20A-2-306 and who has failed to respond to that notice.

13161 (32) "Inspecting poll watcher" means a person selected as provided in this title to

13162 witness the receipt and safe deposit of voted and counted ballots.

13163 (33) "Judicial office" means the office filled by any judicial officer.

13164 (34) "Judicial officer" means any justice or judge of a court of record or any county
13165 court judge.

13166 (35) "Local district" means a local government entity under Title 17B, Limited Purpose
13167 Local Government Entities - Local Districts, and includes a special service district under Title
13168 17A, Chapter 2, Part 13, Utah Special Service District Act.

13169 (36) "Local district officers" means those local district officers that are required by law
13170 to be elected.

13171 [~~35~~] (37) "Local election" means a regular municipal election, a local special election,
13172 a [~~special~~] local district election, and a bond election.

13173 [~~36~~] (38) "Local political subdivision" means a county, a municipality, a [~~special~~]
13174 local district, or a local school district.

13175 [~~37~~] (39) "Local special election" means a special election called by the governing
13176 body of a local political subdivision in which all registered voters of the local political
13177 subdivision may vote.

13178 [~~38~~] (40) "Municipal executive" means:

13179 (a) the city council or town council in the traditional management arrangement
13180 established by Title 10, Chapter 3, Part 1, Governing Body;

13181 (b) the mayor in the council-mayor optional form of government defined in Section
13182 10-3-101; and

13183 (c) the manager in the council-manager optional form of government defined in
13184 Section 10-3-101.

13185 [~~39~~] (41) "Municipal general election" means the election held in municipalities and
13186 [~~special~~] local districts on the first Tuesday after the first Monday in November of each
13187 odd-numbered year for the purposes established in Section 20A-1-202.

13188 [~~40~~] (42) "Municipal legislative body" means:

13189 (a) the city council or town council in the traditional management arrangement

13190 established by Title 10, Chapter 3, Part 1, Governing Body;

13191 (b) the municipal council in the council-mayor optional form of government defined in
13192 Section 10-3-101; and

13193 (c) the municipal council in the council-manager optional form of government defined
13194 in Section 10-3-101.

13195 [~~(41)~~] (43) "Municipal officers" means those municipal officers that are required by
13196 law to be elected.

13197 [~~(42)~~] (44) "Municipal primary election" means an election held to nominate
13198 candidates for municipal office.

13199 [~~(43)~~] (45) "Official ballot" means the ballots distributed by the election officer to the
13200 poll workers to be given to voters to record their votes.

13201 [~~(44)~~] (46) "Official endorsement" means:

13202 (a) the information on the ballot that identifies:

13203 (i) the ballot as an official ballot;

13204 (ii) the date of the election; and

13205 (iii) the facsimile signature of the election officer; and

13206 (b) the information on the ballot stub that identifies:

13207 (i) the poll worker's initials; and

13208 (ii) the ballot number.

13209 [~~(45)~~] (47) "Official register" means the official record furnished to election officials
13210 by the election officer that contains the information required by Section 20A-5-401.

13211 [~~(46)~~] (48) "Paper ballot" means a paper that contains:

13212 (a) the names of offices and candidates and statements of ballot propositions to be
13213 voted on; and

13214 (b) spaces for the voter to record his vote for each office and for or against each ballot
13215 proposition.

13216 [~~(47)~~] (49) "Political party" means an organization of registered voters that has
13217 qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8,

13218 Political Party Formation and Procedures.

13219 [~~(48)~~] (50) (a) "Poll worker" means a person assigned by an election official to assist
13220 with an election, voting, or counting votes.

13221 (b) "Poll worker" includes election judges.

13222 (c) "Poll worker" does not include a watcher.

13223 [~~(49)~~] (51) "Pollbook" means a record of the names of voters in the order that they
13224 appear to cast votes.

13225 [~~(50)~~] (52) "Polling place" means the building where voting is conducted.

13226 [~~(51)~~] (53) "Position" means a square, circle, rectangle, or other geometric shape on a
13227 ballot in which the voter marks his choice.

13228 [~~(52)~~] (54) "Provisional ballot" means a ballot voted provisionally by a person:

13229 (a) whose name is not listed on the official register at the polling place;

13230 (b) whose legal right to vote is challenged as provided in this title; or

13231 (c) whose identity was not sufficiently established by an election judge.

13232 [~~(53)~~] (55) "Provisional ballot envelope" means an envelope printed in the form
13233 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
13234 information to verify a person's legal right to vote.

13235 [~~(54)~~] (56) "Primary convention" means the political party conventions at which
13236 nominees for the regular primary election are selected.

13237 [~~(55)~~] (57) "Protective counter" means a separate counter, which cannot be reset, that is
13238 built into a voting machine and records the total number of movements of the operating lever.

13239 [~~(56)~~] (58) "Qualify" or "qualified" means to take the oath of office and begin
13240 performing the duties of the position for which the person was elected.

13241 [~~(57)~~] (59) "Receiving judge" means the poll worker that checks the voter's name in the
13242 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
13243 after the voter has voted.

13244 [~~(58)~~] (60) "Registration days" means the days designated in Section 20A-2-203 when
13245 a voter may register to vote with a satellite registrar.

13246 [(59)] (61) "Registration form" means a book voter registration form and a by-mail
13247 voter registration form.

13248 [(60)] (62) "Regular ballot" means a ballot that is not a provisional ballot.

13249 [(61)] (63) "Regular general election" means the election held throughout the state on
13250 the first Tuesday after the first Monday in November of each even-numbered year for the
13251 purposes established in Section 20A-1-201.

13252 [(62)] (64) "Regular primary election" means the election on the fourth Tuesday of
13253 June of each even-numbered year, at which candidates of political parties and nonpolitical
13254 groups are voted for nomination.

13255 [(63)] (65) "Resident" means a person who resides within a specific voting precinct in
13256 Utah.

13257 [(64)] (66) "Sample ballot" means a mock ballot similar in form to the official ballot
13258 printed and distributed as provided in Section 20A-5-405.

13259 [(65)] (67) "Satellite registrar" means a person appointed under Section 20A-5-201 to
13260 register voters and perform other duties.

13261 [(66)] (68) "Scratch vote" means to mark or punch the straight party ticket and then
13262 mark or punch the ballot for one or more candidates who are members of different political
13263 parties.

13264 [(67)] (69) "Secrecy envelope" means the envelope given to a voter along with the
13265 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy
13266 of the voter's vote.

13267 ~~[(68) "Special district" means those local government entities created under the~~
13268 ~~authority of Title 17A.]~~

13269 ~~[(69) "Special district officers" means those special district officers that are required by~~
13270 ~~law to be elected.]~~

13271 (70) "Special election" means an election held as authorized by Section 20A-1-204.

13272 (71) "Spoiled ballot" means each ballot that:

13273 (a) is spoiled by the voter;

- 13274 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 13275 (c) lacks the official endorsement.
- 13276 (72) "Statewide special election" means a special election called by the governor or the
- 13277 Legislature in which all registered voters in Utah may vote.
- 13278 (73) "Stub" means the detachable part of each ballot.
- 13279 (74) "Substitute ballots" means replacement ballots provided by an election officer to
- 13280 the poll workers when the official ballots are lost or stolen.
- 13281 (75) "Ticket" means each list of candidates for each political party or for each group of
- 13282 petitioners.
- 13283 (76) "Transfer case" means the sealed box used to transport voted ballots to the
- 13284 counting center.
- 13285 (77) "Vacancy" means the absence of a person to serve in any position created by
- 13286 statute, whether that absence occurs because of death, disability, disqualification, resignation,
- 13287 or other cause.
- 13288 (78) "Valid voter identification" means:
- 13289 (a) a form of identification that bears the name and photograph of the voter which may
- 13290 include:
- 13291 (i) a currently valid Utah driver license;
- 13292 (ii) a currently valid identification card that is issued by:
- 13293 (A) the state;
- 13294 (B) a local government within the state; or
- 13295 (C) a branch, department, or agency of the United States;
- 13296 (iii) an identification card that is issued by an employer for an employee;
- 13297 (iv) a currently valid identification card that is issued by a college, university, technical
- 13298 school, or professional school that is located within the state;
- 13299 (v) a currently valid Utah permit to carry a concealed weapon;
- 13300 (vi) a currently valid United States passport; or
- 13301 (vii) a valid tribal identification card; or

- 13302 (b) two forms of identification that bear the name of the voter and provide evidence
13303 that the voter resides in the voting precinct, which may include:
- 13304 (i) a voter identification card;
 - 13305 (ii) a current utility bill or a legible copy thereof;
 - 13306 (iii) a bank or other financial account statement, or a legible copy thereof;
 - 13307 (iv) a certified birth certificate;
 - 13308 (v) a valid Social Security card;
 - 13309 (vi) a check issued by the state or the federal government or a legible copy thereof;
 - 13310 (vii) a paycheck from the voter's employer, or a legible copy thereof;
 - 13311 (viii) a currently valid Utah hunting or fishing license;
 - 13312 (ix) a currently valid United States military identification card;
 - 13313 (x) certified naturalization documentation;
 - 13314 (xi) a currently valid license issued by an authorized agency of the United States;
 - 13315 (xii) a certified copy of court records showing the voter's adoption or name change;
 - 13316 (xiii) a Bureau of Indian Affairs card;
 - 13317 (xiv) a tribal treaty card;
 - 13318 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
 - 13319 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
13320 photograph, but establishes the name of the voter and provides evidence that the voter resides
13321 in the voting precinct.
- 13322 (79) "Valid write-in candidate" means a candidate who has qualified as a write-in
13323 candidate by following the procedures and requirements of this title.
- 13324 (80) "Voter" means a person who meets the requirements for voting in an election,
13325 meets the requirements of election registration, is registered to vote, and is listed in the official
13326 register book.
- 13327 (81) "Voter registration deadline" means the registration deadline provided in Section
13328 20A-2-102.5.
- 13329 (82) "Voting area" means the area within six feet of the voting booths, voting

13330 machines, and ballot box.

13331 (83) "Voting booth" means:

13332 (a) the space or compartment within a polling place that is provided for the preparation
13333 of ballots, including the voting machine enclosure or curtain; or

13334 (b) a voting device that is free standing.

13335 (84) "Voting device" means:

13336 (a) an apparatus in which ballot sheets are used in connection with a punch device for
13337 piercing the ballots by the voter;

13338 (b) a device for marking the ballots with ink or another substance;

13339 (c) a device used to make selections and cast a ballot electronically, or any component
13340 thereof;

13341 (d) an automated voting system under Section 20A-5-302; or

13342 (e) any other method for recording votes on ballots so that the ballot may be tabulated
13343 by means of automatic tabulating equipment.

13344 (85) "Voting machine" means a machine designed for the sole purpose of recording and
13345 tabulating votes cast by voters at an election.

13346 (86) "Voting poll watcher" means a person appointed as provided in this title to witness
13347 the distribution of ballots and the voting process.

13348 (87) "Voting precinct" means the smallest voting unit established as provided by law
13349 within which qualified voters vote at one polling place.

13350 (88) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
13351 poll watcher, and a testing watcher.

13352 (89) "Western States Presidential Primary" means the election established in Title 20A,
13353 Chapter 9, Part 8.

13354 (90) "Write-in ballot" means a ballot containing any write-in votes.

13355 (91) "Write-in vote" means a vote cast for a person whose name is not printed on the
13356 ballot according to the procedures established in this title.

13357 Section 372. Section **20A-1-201.5** is amended to read:

13358 **20A-1-201.5. Primary election dates.**

13359 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
13360 of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for
13361 national, state, school board, and county offices.

13362 (2) A municipal primary election shall be held, if necessary, on the Tuesday following
13363 the first Monday in October before the regular municipal election to nominate persons for
13364 municipal [~~and special district~~] offices.

13365 (3) The Western States Presidential Primary election shall be held throughout the state
13366 on the first Tuesday in February in the year in which a presidential election will be held.

13367 Section 373. Section **20A-1-202** is amended to read:

13368 **20A-1-202. Date and purpose of local elections.**

13369 (1) A municipal general election shall be held in municipalities and [~~special~~] local
13370 districts on the first Tuesday after the first Monday in November of each odd-numbered year.

13371 (2) At the municipal general election, the voters shall:

13372 (a) (i) choose persons to serve as municipal officers; and

13373 (ii) choose persons to serve as [~~special~~] local district officers; and

13374 (b) approve or reject:

13375 (i) any proposed initiatives or referenda that have qualified for the ballot as provided by
13376 law; and

13377 (ii) any other ballot propositions submitted to the voters that are authorized by the Utah
13378 Code.

13379 Section 374. Section **20A-1-512** is amended to read:

13380 **20A-1-512. Midterm vacancies on local district boards.**

13381 (1) (a) Whenever a vacancy occurs on any [~~special~~] local district board for any reason,
13382 a replacement to serve out the unexpired term shall be appointed as provided in this section by:

13383 (i) the [~~special~~] local district board, if the person vacating the position was elected; or

13384 (ii) the appointing authority, if the person vacating the position was appointed.

13385 (b) Before acting to fill the vacancy, the [~~special~~] local district board shall:

13386 (i) give public notice of the vacancy at least two weeks before the [~~special~~] local
13387 district board meets to fill the vacancy;

13388 (ii) identify, in the notice:

13389 (A) the date, time, and place of the meeting where the vacancy will be filled; and

13390 (B) the person to whom a person interested in being appointed to fill the vacancy may
13391 submit his name for consideration and any deadline for submitting it.

13392 (2) If the [~~special~~] local district board fails to appoint a person to complete an elected
13393 board member's term within 90 days, the county or municipality that created the [~~special~~] local
13394 district shall fill the vacancy.

13395 Section 375. Section **20A-2-101** is amended to read:

13396 **20A-2-101. Eligibility for registration.**

13397 (1) Except as provided in Subsection (2), any person may apply to register to vote in an
13398 election who:

13399 (a) is a citizen of the United States;

13400 (b) has been a resident of Utah for at least the 30 days immediately before the election;

13401 and

13402 (c) will be at least 18 years old on the day of the election.

13403 (2) (a) (i) A person who is involuntarily confined or incarcerated in a jail, prison, or
13404 other facility within a voting precinct is not a resident of that voting precinct and may not
13405 register to vote in that voting precinct unless the person was a resident of that voting precinct
13406 before the confinement or incarceration.

13407 (ii) A person who is involuntarily confined or incarcerated in a jail or prison is resident
13408 of the voting precinct in which the person resided before the confinement or incarceration.

13409 (b) A person who has been convicted of a felony whose right to vote has not been
13410 restored as provided by law may not register to vote.

13411 (3) Any person who is eligible or qualified to vote may register and vote in a regular
13412 general election, a regular primary election, a municipal general election, a municipal primary
13413 election, a statewide special election, a local special election, a [~~special~~] local district election,

13414 and a bond election unless that person resides outside the geographic boundaries of the entity in
13415 which the election is held.

13416 Section 376. Section **20A-3-101** is amended to read:

13417 **20A-3-101. Residency and age requirements of voters.**

13418 (1) A person may vote in any regular general election or statewide special election if
13419 that person:

13420 (a) is a citizen of the United States;

13421 (b) is a resident of Utah;

13422 (c) will, on the date of that election:

13423 (i) be at least 18 years old; and

13424 (ii) have been a resident of Utah for 30 days immediately before that election; and

13425 (d) has registered to vote.

13426 (2) A person may vote in the Western States Presidential Primary election or a regular
13427 primary election if that person:

13428 (a) is a citizen of the United States;

13429 (b) is a resident of Utah;

13430 (c) will, on the date of that election:

13431 (i) be at least 18 years old; and

13432 (ii) have been a resident of Utah for 30 days immediately before that election;

13433 (d) has registered to vote; and

13434 (e) whose political party affiliation, or unaffiliated status, allows the voter to vote in the
13435 election.

13436 (3) A person may vote in a municipal general election, municipal primary, in a local
13437 special election, in a [~~special~~] local district election, and in a bond election if that person:

13438 (a) is a citizen of the United States;

13439 (b) is a resident of Utah;

13440 (c) is a resident of the local entity that is holding the election;

13441 (d) will, on the date of the election:

- 13442 (i) be at least 18 years old; and
- 13443 (ii) have been a resident of Utah for 30 days immediately before the election; and
- 13444 (e) has registered to vote.

13445 Section 377. Section **20A-3-102** is amended to read:

13446 **20A-3-102. Voting by secret ballot.**

13447 All voting at each regular and municipal general election, at each statewide or local
13448 special election, at each primary election, at each [~~special~~] local district election, and at each
13449 bond election shall be by secret ballot.

13450 Section 378. Section **20A-3-501** is amended to read:

13451 **20A-3-501. Polling place -- Prohibited activities.**

13452 (1) As used in this section:

13453 (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to
13454 refrain from voting or to vote for or vote against any candidate or issue; and

13455 (b) "polling place" means the physical place where ballots and absentee ballots are cast
13456 and includes the county clerk's office or city hall during the period in which absentee ballots
13457 may be cast there.

13458 (2) (a) A person may not, within a polling place or in any public area within 150 feet of
13459 the building where a polling place is located:

13460 (i) do any electioneering;

13461 (ii) circulate cards or handbills of any kind;

13462 (iii) solicit signatures to any kind of petition; or

13463 (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts
13464 the administration of the polling place.

13465 (b) A county, municipality, school district, or [~~special~~] local district may not prohibit
13466 electioneering that occurs more than 150 feet from the building where a polling place is
13467 located, but may regulate the place and manner of that electioneering to protect the public
13468 safety.

13469 (3) (a) A person may not obstruct the doors or entries to a building in which a polling

13470 place is located or prevent free access to and from any polling place.

13471 (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the
13472 obstruction of the entrance to a polling place and may arrest any person creating an obstruction.

13473 (4) A person may not:

13474 (a) remove any ballot from the polling place before the closing of the polls, except as
13475 provided in Section 20A-4-101; or

13476 (b) solicit any voter to show his ballot.

13477 (5) A person may not receive a voted ballot from any voter or deliver an unused ballot
13478 to a voter unless that person is an election judge.

13479 (6) Any person who violates any provision of this section is guilty of a class A
13480 misdemeanor.

13481 (7) A political subdivision may not prohibit political signs that are located more than
13482 150 feet away from a polling place, but may regulate their placement to protect public safety.

13483 Section 379. Section **20A-4-301** is amended to read:

13484 **20A-4-301. Board of canvassers.**

13485 (1) (a) Each county legislative body is the board of county canvassers for:

13486 (i) the county; and

13487 (ii) each [~~special~~] local district whose election is conducted by the county.

13488 (b) (i) Except as provided in Subsection (1)(b)(ii), the board of county canvassers shall
13489 meet to canvass the returns at the usual place of meeting of the county legislative body, at a
13490 date and time determined by the county clerk that is no sooner than seven days after the
13491 election and no later than 14 days after the election.

13492 (ii) When canvassing returns for the Western States Presidential Primary, the board of
13493 county canvassers shall meet to canvass the returns at the usual place of meeting of the county
13494 legislative body, at noon on the Tuesday after the election.

13495 (c) If one or more of the county legislative body fails to attend the meeting of the board
13496 of county canvassers, the remaining members shall replace the absent member by appointing in
13497 the order named:

- 13498 (i) the county treasurer;
- 13499 (ii) the county assessor; or
- 13500 (iii) the county sheriff.
- 13501 (d) The board of county canvassers shall always consist of three acting members.
- 13502 (e) The county clerk is the clerk of the board of county canvassers.
- 13503 (2) (a) The mayor and the municipal legislative body are the board of municipal
- 13504 canvassers for the municipality.
- 13505 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
- 13506 place of meeting of the municipal legislative body:
- 13507 (i) for canvassing of returns from a municipal general election, no sooner than seven
- 13508 days after the election and no later than 14 days after the election; or
- 13509 (ii) for canvassing of returns from a municipal primary election, no sooner than three
- 13510 days after the election and no later than seven days after the election.
- 13511 (3) (a) The legislative body of the entity authorizing a bond election is the board of
- 13512 canvassers for each bond election.
- 13513 (b) The board of canvassers for the bond election shall comply with the canvassing
- 13514 procedures and requirements of Section 11-14-207.
- 13515 Section 380. Section **20A-4-304** is amended to read:
- 13516 **20A-4-304. Declaration of results -- Canvassers' report.**
- 13517 (1) Each board of canvassers shall:
- 13518 (a) declare "elected" or "nominated" those persons who:
- 13519 (i) had the highest number of votes; and
- 13520 (ii) sought election or nomination to an office completely within the board's
- 13521 jurisdiction;
- 13522 (b) declare:
- 13523 (i) "approved" those ballot propositions that:
- 13524 (A) had more "yes" votes than "no" votes; and
- 13525 (B) were submitted only to the voters within the board's jurisdiction;

13526 (ii) "rejected" those ballot propositions that:
13527 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
13528 votes; and
13529 (B) were submitted only to the voters within the board's jurisdiction;
13530 (c) certify the vote totals for persons and for and against ballot propositions that were
13531 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
13532 the lieutenant governor; and
13533 (d) if applicable, certify the results of each [~~special~~] local district election to the
13534 [~~special~~] local district clerk.
13535 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
13536 result, which shall contain:
13537 (i) the total number of votes cast in the board's jurisdiction;
13538 (ii) the names of each candidate whose name appeared on the ballot;
13539 (iii) the title of each ballot proposition that appeared on the ballot;
13540 (iv) each office that appeared on the ballot;
13541 (v) from each voting precinct:
13542 (A) the number of votes for each candidate; and
13543 (B) the number of votes for and against each ballot proposition;
13544 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
13545 for and against each ballot proposition; and
13546 (vii) a statement certifying that the information contained in the report is accurate.
13547 (b) The election officer and the board of canvassers shall:
13548 (i) review the report to ensure that it is correct; and
13549 (ii) sign the report.
13550 (c) The election officer shall:
13551 (i) record or file the certified report in a book kept for that purpose;
13552 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
13553 to each nominated or elected candidate;

13554 (iii) publish a copy of the certified report in a newspaper with general circulation in the
13555 board's jurisdiction and post it in a conspicuous place within the jurisdiction; and

13556 (iv) file a copy of the certified report with the lieutenant governor.

13557 (3) When there has been a regular general or a statewide special election for statewide
13558 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
13559 or more county ballot proposition, each board of canvassers shall:

13560 (a) prepare a separate report detailing the number of votes for each candidate and the
13561 number of votes for and against each ballot proposition; and

13562 (b) transmit it by registered mail to the lieutenant governor.

13563 (4) In each county election, municipal election, school election, [~~special~~] local district
13564 election, and local special election, the election officer shall transmit the reports to the
13565 lieutenant governor within 14 days after the date of the election.

13566 (5) In regular primary elections and in the Western States Presidential Primary, the
13567 board shall transmit to the lieutenant governor:

13568 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
13569 governor:

13570 (i) not later than the second Tuesday after the primary election for the regular primary
13571 election; and

13572 (ii) not later than the Tuesday following the election for the Western States Presidential
13573 Primary; and

13574 (b) a complete tabulation showing voting totals for all primary races, precinct by
13575 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
13576 primary election.

13577 Section 381. Section **20A-4-305** is amended to read:

13578 **20A-4-305. Delivery of checked official register to county clerk after canvass.**

13579 Within ten days after the canvass of a November municipal election, [~~special~~] local
13580 district election, bond election, or special election, the clerk or recorder shall transmit the
13581 checked official register and pollbook to the county clerk.

13582 Section 382. Section **20A-4-401** is amended to read:

13583 **20A-4-401. Recounts -- Procedure.**

13584 (1) (a) (i) For any regular primary, regular general, or municipal general election, or the
13585 Western States Presidential primary, when any candidate loses by not more than a total of one
13586 vote per voting precinct, the candidate may file a request for a recount within seven days after
13587 the canvass with:

13588 (A) the municipal clerk, if the election is a municipal election;

13589 (B) the [~~special~~] local district clerk, if the election is a [~~special~~] local district election;

13590 (C) the county clerk, for races or ballot propositions voted on entirely within a single
13591 county; or

13592 (D) the lieutenant governor, for statewide races and ballot propositions and for
13593 multicounty races and ballot propositions.

13594 (ii) For any municipal primary election, when any candidate loses by not more than a
13595 total of one vote per voting precinct, the candidate may file a request for a recount with the
13596 appropriate election officer within three days after the canvass.

13597 (b) The election officer shall:

13598 (i) supervise the recount;

13599 (ii) recount all ballots cast for that office;

13600 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
13601 3, Absentee Voting; and

13602 (iv) declare elected the person receiving the highest number of votes on the recount.

13603 (2) (a) Any ten voters who voted in an election when any ballot proposition or bond
13604 proposition was on the ballot may file a request for a recount with the appropriate election
13605 officer within seven days of the canvass.

13606 (b) The election officer shall:

13607 (i) supervise the recount;

13608 (ii) recount all ballots cast for that ballot proposition or bond proposition;

13609 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part

13610 3, Absentee Voting; and
13611 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
13612 based upon the results of the recount.
13613 (c) Proponents and opponents of the ballot proposition or bond proposition may
13614 designate representatives to witness the recount.
13615 (d) The voters requesting the recount shall pay the costs of the recount.
13616 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
13617 person requesting the recount.
13618 (4) (a) Upon completion of the recount, the election officer shall immediately convene
13619 the board of canvassers.
13620 (b) The board of canvassers shall:
13621 (i) canvass the election returns for the race or proposition that was the subject of the
13622 recount; and
13623 (ii) with the assistance of the election officer, prepare and sign the report required by
13624 Section 20A-4-304 or Section 20A-4-306.
13625 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
13626 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
13627 governor as required by Subsection 20A-4-304(3).
13628 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
13629 result of the race or proposition that is the subject of the recount.
13630 Section 383. Section **20A-5-101** is amended to read:
13631 **20A-5-101. Notice of election.**
13632 (1) On or before February 1 in each regular general election year, the lieutenant
13633 governor shall prepare and transmit a written notice to each county clerk that:
13634 (a) designates the offices to be filled at the regular general election;
13635 (b) identifies the dates for filing a declaration of candidacy for those offices; and
13636 (c) contains a description of any ballot propositions to be decided by the voters that
13637 have qualified for the ballot as of that date.

- 13638 (2) (a) No later than February 10, each county clerk shall:
- 13639 (i) publish a notice once in a newspaper published in that county; or
- 13640 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to
- 13641 give notice of the election to the voters in each voting precinct within the county; and
- 13642 (B) prepare an affidavit of that posting, showing a copy of the notice and the places
- 13643 where the notice was posted.
- 13644 (b) The notice required by Subsection (2)(a) shall:
- 13645 (i) designate the offices to be voted on in that election in that county, other than
- 13646 [~~special~~] local district offices; and
- 13647 (ii) identify the dates for filing a declaration of candidacy for those offices.
- 13648 (3) Before each election, the election officer shall give written or printed notice of:
- 13649 (a) the date and place of election;
- 13650 (b) the hours during which the polls will be open;
- 13651 (c) the polling places for each voting precinct; and
- 13652 (d) the qualifications for persons to vote in the election.
- 13653 (4) To provide the notice required by Subsection (3), the election officer shall publish
- 13654 the notice at least two days before the election in a newspaper of general circulation common to
- 13655 the area or in which the election is being held.
- 13656 Section 384. Section **20A-5-201** is amended to read:
- 13657 **20A-5-201. Satellite registrars -- Appointment.**
- 13658 (1) Each county legislative body shall appoint one or more persons to act as satellite
- 13659 registrars for each satellite location.
- 13660 (2) (a) The county legislative body shall appoint satellite registrars every two years at
- 13661 the regular meeting of the county legislative body held nearest to the first day of the May before
- 13662 the regular general election.
- 13663 (b) The county legislative body shall appoint satellite registrars to serve two-year
- 13664 terms, but may remove them at any time for cause.
- 13665 (c) The county legislative body may not appoint a person who is a candidate for, or

13666 who holds, an elective state, county, municipal, school district, [~~special~~] local district, or other
13667 public office to be a satellite registrar.

13668 (d) A person who is a candidate for, or who holds, an elective state, county, municipal,
13669 school district, [~~special~~] local district, or other public office may not act as a satellite registrar.

13670 (e) A satellite registrar may also serve as an election judge.

13671 (f) The county clerk shall provide each satellite registrar with written notice of his
13672 appointment.

13673 (3) (a) Each county legislative body shall provide each satellite registrar with all books,
13674 stationery, and other supplies necessary to carry out the provisions of this chapter.

13675 (b) The satellite registrar shall return all remaining materials to the county clerk, or to a
13676 person designated by the county clerk, when his appointment ends.

13677 (4) A satellite registrar who resigns shall:

13678 (a) notify the county clerk of that fact; and

13679 (b) deliver to the county clerk, or to another person designated by the county clerk, the
13680 books, forms, maps, and materials in the agent's possession that pertain to the office.

13681 (5) (a) (i) The county clerk, upon receipt of notice of the death, disqualification, or
13682 resignation of any satellite registrar after the opening and before the closing of the registration
13683 books, shall immediately, without giving notice, appoint some competent person to fill the
13684 vacancy.

13685 (ii) The person appointed shall qualify within two days after receiving notice of the
13686 appointment.

13687 (b) (i) If a satellite registrar is sick or otherwise unable to serve on a designated
13688 registration day, the satellite registrar shall select a responsible adult to perform the agent's
13689 duties on that day.

13690 (ii) The county clerk shall approve the substituted adult.

13691 (iii) The substitute shall use the original designated satellite location.

13692 (6) (a) Before entering upon the duties prescribed in this chapter, each satellite registrar
13693 shall:

13694 (i) take and subscribe the oath of office required by Article IV, Sec. 10, Utah
13695 Constitution, before any person authorized to administer an oath; and
13696 (ii) file the oath with the county clerk.
13697 (b) Each county legislative body shall establish a per diem as compensation for all
13698 services provided by satellite registrars.
13699 (7) The county clerk shall make detailed entries of all proceedings had under this
13700 chapter and notify in writing the satellite registrars of their appointment.
13701 Section 385. Section **20A-5-302** is amended to read:
13702 **20A-5-302. Automated voting system.**
13703 (1) Any county or municipal legislative body or [~~special~~] local district board may:
13704 (a) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any
13705 automated voting system that meets the requirements of this section; and
13706 (b) use that system in any election, in all or a part of the voting precincts within its
13707 boundaries, or in combination with paper ballots.
13708 (2) (a) Each automated voting system shall:
13709 (i) provide for voting in secrecy, except in the case of voters who have received
13710 assistance as authorized by Section 20A-3-108;
13711 (ii) permit each voter at any election to:
13712 (A) vote for all persons and offices for whom and for which that voter is lawfully
13713 entitled to vote;
13714 (B) vote for as many persons for an office as that voter is entitled to vote; and
13715 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;
13716 (iii) permit each voter, at presidential elections, by one mark or punch to vote for the
13717 candidates of that party for president, vice president, and for their presidential electors;
13718 (iv) permit each voter, at any regular general election, to vote for all the candidates of
13719 one registered political party by making one mark or punch;
13720 (v) permit each voter to scratch vote;
13721 (vi) at elections other than primary elections, permit each voter to vote for the

13722 nominees of one or more parties and for independent candidates;
13723 (vii) at primary elections:
13724 (A) permit each voter to vote for candidates of the political party of his choice; and
13725 (B) reject any votes cast for candidates of another party;
13726 (viii) prevent the voter from voting for the same person more than once for the same
13727 office;
13728 (ix) provide the opportunity for each voter to change the ballot and to correct any error
13729 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.
13730 L. No. 107-252;
13731 (x) include automatic tabulating equipment that rejects choices recorded on a voter's
13732 ballot if the number of the voter's recorded choices is greater than the number which the voter
13733 is entitled to vote for the office or on the measure;
13734 (xi) be of durable construction, suitably designed so that it may be used safely,
13735 efficiently, and accurately in the conduct of elections and counting ballots;
13736 (xii) when properly operated, record correctly and count accurately each vote cast;
13737 (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper
13738 record that:
13739 (A) shall be available as an official record for any recount or election contest conducted
13740 with respect to an election where the voting equipment is used;
13741 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling
13742 place; and
13743 (II) shall permit the voter to inspect the record of the voter's selections independently
13744 only if reasonably practicable commercial methods permitting independent inspection are
13745 available at the time of certification of the voting equipment by the lieutenant governor;
13746 (C) shall include, at a minimum, human readable printing that shows a record of the
13747 voter's selections;
13748 (D) may also include machine readable printing which may be the same as the human
13749 readable printing; and

13750 (E) allows voting poll watchers and counting poll watchers to observe the election
13751 process to ensure its integrity; and

13752 (xiv) meet the requirements of Section 20A-5-402.5.

13753 (b) For the purposes of a recount or an election contest, if the permanent paper record
13754 contains a conflict or inconsistency between the human readable printing and the machine
13755 readable printing, the human readable printing shall supercede the machine readable printing
13756 when determining the intent of the voter.

13757 (c) Notwithstanding any other provisions of this section, the election officers shall
13758 ensure that the ballots to be counted by means of electronic or electromechanical devices are of
13759 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable
13760 for use in the counting devices in which they are intended to be placed.

13761 Section 386. Section **20A-5-400.5** is amended to read:

13762 **20A-5-400.5. Election officer for bond and leeway elections -- Billing.**

13763 (1) When a voted leeway or bond election is held on the regular general election date or
13764 regular primary election date, the county clerk shall serve as the election officer to conduct and
13765 administer that election.

13766 (2) (a) When a voted leeway or bond election is held on the municipal general election
13767 date or any other election date permitted for special elections under Section 20A-1-204, and the
13768 local political subdivision calling the election is entirely within the boundaries of the
13769 unincorporated county, the county clerk shall serve as the election officer to conduct and
13770 administer that election subject to Subsection (3).

13771 (b) When a voted leeway or bond election is held on the municipal general election
13772 date or any other election date permitted for special elections under Section 20A-1-204, and the
13773 local political subdivision calling the election is entirely within the boundaries of a
13774 municipality, the municipal clerk for that municipality shall, except as provided in Subsection
13775 (3), serve as the election officer to conduct and administer that election.

13776 (c) When a voted leeway or bond election is held on the municipal general election
13777 date or any other election date permitted for special elections under Section 20A-1-204, and the

13778 local political subdivision calling the election extends beyond the boundaries of a single
13779 municipality:

13780 (i) except as provided in Subsection (3), the municipal clerk shall serve as the election
13781 officer to conduct and administer the election for those portions of the local political
13782 subdivision where the municipal general election or other election is being held; and

13783 (ii) except as provided in Subsection (3), the county clerk shall serve as the election
13784 officer to conduct and administer the election for the unincorporated county and for those
13785 portions of any municipality where no municipal general election or other election is being
13786 held.

13787 (3) When a voted leeway or bond election is held on a date when no other election,
13788 other than another voted leeway or bond election, is being held in the entire area comprising the
13789 municipality calling the voted leeway or bond election:

13790 (a) the clerk or chief executive officer of a [~~special~~] local district or the business
13791 administrator or superintendent of the school district, as applicable, shall serve as the election
13792 officer to conduct and administer the bond election for those portions of the municipality in
13793 which no other election, other than another voted leeway or bond election, is being held, unless
13794 the [~~special~~] local district or school district has designated the county clerk, municipal clerk, or
13795 both, to serve as the election officer; and

13796 (b) the county clerk, municipal clerk, or both, as determined by the municipality
13797 holding the bond election, shall serve as the election officer to conduct and administer the bond
13798 election for those portions of the municipality in which another election, other than another
13799 voted leeway or bond election is being held.

13800 (4) (a) In conducting elections under this section:

13801 (i) the local political subdivision shall provide and pay for election notices; and

13802 (ii) the election officer shall determine polling locations and compile, prepare, and
13803 count the ballots.

13804 (b) The county clerk, the municipal clerk, or both shall:

13805 (i) establish fees for conducting voted leeway and bond elections for local political

13806 subdivisions; and

13807 (ii) bill each local political subdivision for the cost of conducting the voted leeway or
13808 bond election.

13809 (5) An election officer administering and conducting a voted leeway or bond election is
13810 authorized to appoint or employ agents and professional services to assist in conducting and
13811 administering the voted leeway or bond election.

13812 (6) The election officer in a voted leeway or bond election shall conduct its procedures
13813 under the direction of the local political subdivision calling the voted leeway or bond election.

13814 Section 387. Section **20A-5-401** is amended to read:

13815 **20A-5-401. Official register and posting book -- Preparation -- Contents.**

13816 (1) (a) Before the registration days for each regular general, municipal general, regular
13817 primary, municipal primary, or Western States Presidential Primary election, each county clerk
13818 shall prepare an official register of voters for each voting precinct that will participate in the
13819 election.

13820 (b) The county clerk shall ensure that the official register is prepared for the
13821 alphabetical entry of names and contains entry fields to provide for the following information:

13822 (i) registered voter's name;

13823 (ii) party affiliation;

13824 (iii) grounds for challenge;

13825 (iv) name of person challenging a voter;

13826 (v) primary, November, special;

13827 (vi) date of birth;

13828 (vii) place of birth;

13829 (viii) place of current residence;

13830 (ix) street address;

13831 (x) zip code;

13832 (xi) identification and provisional ballot information as required under Subsection

13833 (1)(d); and

13834 (xii) space for the voter to sign his name for each election.

13835 (c) When preparing the official register for the Western States Presidential Primary, the
13836 county clerk shall include:

13837 (i) an entry field to record the name of the political party whose ballot the voter voted;
13838 and

13839 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

13840 (d) When preparing the official register for any regular general election, municipal
13841 general election, statewide special election, local special election, regular primary election,
13842 municipal primary election, [~~special~~] local district election, or election for federal office, the
13843 county clerk shall include:

13844 (i) an entry field that indicates if the voter is required to show identification before
13845 voting;

13846 (ii) an entry field for the poll worker to record the type of identification provided by the
13847 voter;

13848 (iii) a column for the poll worker to record the provisional envelope ballot number for
13849 voters who receive a provisional ballot; and

13850 (iv) a space for the poll worker to record the type of identification that was provided by
13851 voters who receive a provisional ballot.

13852 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
13853 elections, [~~special~~] local district elections, and bond elections, the county clerk shall make an
13854 official register only for voting precincts affected by the primary, municipal, [~~special~~] local
13855 district, or bond election.

13856 (ii) If a polling place to be used in a bond election serves both voters residing in the
13857 local political subdivision calling the bond election and voters residing outside of that local
13858 political subdivision, the official register shall designate whether each voter resides in or
13859 outside of the local political subdivision.

13860 (iii) Each county clerk, with the assistance of the clerk of each affected [~~special~~] local
13861 district, shall provide a detailed map or an indication on the registration list or other means to

13862 enable a poll worker to determine the voters entitled to vote at an election of [~~special~~] local
13863 district officers.

13864 (b) Municipalities shall pay the costs of making the official register for municipal
13865 elections.

13866 Section 388. Section **20A-5-403** is amended to read:

13867 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Provisions --**
13868 **Arrangements.**

13869 (1) Each election officer shall:

13870 (a) designate polling places for each voting precinct in the jurisdiction; and

13871 (b) obtain the approval of the county or municipal legislative body or [~~special~~] local
13872 district governing board for those polling places.

13873 (2) (a) For each polling place, the election officer shall provide:

13874 (i) an American flag;

13875 (ii) a sufficient number of voting booths or compartments;

13876 (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets,
13877 write-in ballots, and any other records and supplies necessary to enable a voter to vote;

13878 (iv) the constitutional amendment cards required by Part 1, Election Notices and
13879 Instructions;

13880 (v) voter information pamphlets required by Title 20A, Chapter 7, Part 7, Voter
13881 Information Pamphlet; and

13882 (vi) the instruction cards required by Section 20A-5-102.

13883 (b) Each election officer shall ensure that:

13884 (i) each voting booth is at a convenient height for writing, and is arranged so that the
13885 voter can prepare his ballot screened from observation;

13886 (ii) there are a sufficient number of voting booths or voting devices to accommodate
13887 the voters at that polling place; and

13888 (iii) there is at least one voting booth or voting device that is configured to
13889 accommodate persons with disabilities.

13890 (c) Each county clerk shall provide a ballot box for each polling place that is large
13891 enough to properly receive and hold the ballots to be cast.

13892 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
13893 access by a person with a disability.

13894 (b) Any issues concerning inaccessibility to polling places by a person with a disability
13895 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
13896 clerk shall be:

13897 (i) forwarded to the Office of the Lieutenant Governor; and

13898 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
13899 either:

13900 (A) remedied at the particular location by the county clerk;

13901 (B) the county clerk shall designate an alternative accessible location for the particular
13902 precinct; or

13903 (C) if no practical solution can be identified, file with the Office of the Lieutenant
13904 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

13905 (4) The municipality in which the election is held shall pay the cost of conducting each
13906 municipal election, including the cost of printing and supplies.

13907 (5) The county clerk shall make detailed entries of all proceedings had under this
13908 chapter.

13909 Section 389. Section **20A-5-407** is amended to read:

13910 **20A-5-407. Election officer to provide ballot boxes.**

13911 (1) Except as provided in Subsection (3), each election officer shall:

13912 (a) provide one ballot box with a lock and key for each polling place; and

13913 (b) deliver the ballot boxes, locks, and keys to the polling place or the election judges
13914 of each voting precinct no later than noon on the day before the election.

13915 (2) Election officers for municipalities and [~~special~~] local districts may obtain ballot
13916 boxes from the county clerk's office.

13917 (3) If locks and keys are unavailable, the ballot box lid shall be secured by tape.

13918 Section 390. Section **20A-5-602** is amended to read:

13919 **20A-5-602. Election judges -- Appointment for local elections.**

13920 (1) At least 15 days before the date scheduled for any local election, the municipal
13921 legislative body or [~~special~~] local district board shall appoint or provide for the appointment of:

13922 (a) in jurisdictions using paper ballots:

13923 (i) three registered voters, or two registered voters and one person 17 years old who
13924 will be 18 years old by the date of the regular municipal election, from their jurisdiction to
13925 serve as election judges for each voting precinct when the ballots will be counted after the polls
13926 close; or

13927 (ii) three registered voters, or two registered voters and one person 17 years old who
13928 will be 18 years old by the date of the regular municipal election, from their jurisdiction to
13929 serve as receiving judges in each voting precinct and three registered voters, or two registered
13930 voters and one person 17 years old who will be 18 years old by the date of the regular
13931 municipal election, from their jurisdiction to serve as counting judges in each voting precinct
13932 when ballots will be counted throughout election day;

13933 (b) in jurisdictions using automated tabulating equipment, three registered voters, or
13934 two registered voters and one person 17 years old who will be 18 years old by the date of the
13935 regular municipal election, from their jurisdiction to serve as election judges for each voting
13936 precinct;

13937 (c) in jurisdictions using voting machines, four registered voters, or three registered
13938 voters and one person 17 years old who will be 18 years old by the date of the regular
13939 municipal election, from their jurisdiction to serve as election judges for each voting precinct;
13940 and

13941 (d) in all jurisdictions:

13942 (i) at least one registered voter from their jurisdiction to serve as canvassing judge, if
13943 necessary; and

13944 (ii) as many alternate judges as needed to replace appointed judges who are unable to
13945 serve.

13946 (2) The municipal legislative body and [~~special~~] local district board may not appoint
13947 any candidate's parent, sibling, spouse, child, or in-law to serve as an election judge in the
13948 voting precinct where the candidate resides.

13949 (3) The clerk shall:

13950 (a) prepare and file a list containing the name, address, voting precinct, and telephone
13951 number of each person appointed; and

13952 (b) make the list available in the clerk's office for inspection, examination, and copying
13953 during business hours.

13954 (4) (a) The municipal legislative body and [~~special~~] local district board shall
13955 compensate election judges for their services.

13956 (b) The municipal legislative body and [~~special~~] local district board may not
13957 compensate their election judges at a rate higher than that paid by the county to its election
13958 judges.

13959 Section 391. Section **20A-9-101** is amended to read:

13960 **20A-9-101. Definitions.**

13961 As used in this chapter:

13962 (1) (a) "Candidates for elective office" means persons selected by a registered political
13963 party as party candidates to run in a regular general election.

13964 (b) "Candidates for elective office" does not mean candidates for:

13965 (i) justice or judge of court of record or not of record;

13966 (ii) presidential elector;

13967 (iii) any political party offices; and

13968 (iv) municipal or [~~special~~] local district offices.

13969 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
13970 attorney general, state auditor, and state treasurer.

13971 (3) (a) "County office" means an elective office where the office holder is selected by
13972 voters entirely within one county.

13973 (b) "County office" does not mean:

- 13974 (i) the office of justice or judge of any court of record or not of record;
- 13975 (ii) the office of presidential elector;
- 13976 (iii) any political party offices;
- 13977 (iv) any municipal or ~~[special]~~ local district offices; and
- 13978 (v) the office of United States Senator and United States Representative.
- 13979 (4) "Federal office" means an elective office for United States Senator and United
- 13980 States Representative.
- 13981 (5) "Filing officer" means:
- 13982 (a) the lieutenant governor, for:
- 13983 (i) offices whose political division contains territory in two or more counties;
- 13984 (ii) the office of United States Senator and United States Representative; and
- 13985 (iii) all constitutional offices;
- 13986 (b) the county clerk, for county offices and local school district offices;
- 13987 (c) the city or town clerk, for municipal offices; and
- 13988 (d) the ~~[special]~~ local district clerk, for ~~[special]~~ local district offices.
- 13989 (6) "Local district office" means an elected office in a local district.
- 13990 ~~[(6)]~~ (7) "Local government office" includes county offices, municipal offices, and
- 13991 ~~[special]~~ local district offices and other elective offices selected by the voters from a political
- 13992 division entirely within one county.
- 13993 ~~[(7)]~~ (8) (a) "Multi-county office" means an elective office where the office holder is
- 13994 selected by the voters from more than one county.
- 13995 (b) "Multi-county office" does not mean:
- 13996 (i) a county office;
- 13997 (ii) a federal office;
- 13998 (iii) the office of justice or judge of any court of record or not of record;
- 13999 (iv) the office of presidential elector;
- 14000 (v) any political party offices; and
- 14001 (vi) any municipal or ~~[special]~~ local district offices.

14002 [~~(8)~~] (9) "Municipal office" means an elective office in a municipality.

14003 [~~(9)~~] (10) (a) "Political division" means a geographic unit from which an office holder
14004 is elected and that an office holder represents.

14005 (b) "Political division" includes a county, a city, a town, a [~~special~~] local district, a
14006 school district, a legislative district, and a county prosecution district.

14007 [~~(10) "Special district office" means an elected office in a special district.]~~

14008 Section 392. Section **20A-9-503** is amended to read:

14009 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

14010 (1) After the certificate of nomination has been certified, executed, and acknowledged
14011 by the county clerk, the candidate shall:

14012 (a) between March 7 and March 17 of the year in which the regular general election
14013 will be held, file the petition in person with:

14014 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or
14015 a federal office; or

14016 (ii) the county clerk, if the office the candidate seeks is a county office; and

14017 (iii) pay the filing fee; or

14018 (b) not later than the sixth Tuesday before the primary election date, file the petition in
14019 person with:

14020 (i) the municipal clerk, if the candidate seeks an office in a city or town;

14021 (ii) the [~~special~~] local district clerk, if the candidate seeks an office in a [~~special~~] local
14022 district; and

14023 (iii) pay the filing fee.

14024 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
14025 read the constitutional and statutory requirements for candidacy to the candidate.

14026 (b) If the candidate states that he does not meet the requirements, the filing officer may
14027 not accept the petition.

14028 (3) Persons filing a certificate of nomination for President of the United States under
14029 this section shall pay a filing fee of \$500.

14030 Section 393. Section **20A-11-1202** is amended to read:

14031 **20A-11-1202. Definitions.**

14032 As used in this chapter:

14033 (1) "Ballot proposition" means constitutional amendments, initiatives, referenda,
14034 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
14035 the voters for their approval or rejection.

14036 (2) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
14037 agency that receives its revenues from conduct of its commercial operations.

14038 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
14039 cooperation agency that receives some or all of its revenues from:

14040 (i) government appropriations;

14041 (ii) taxes;

14042 (iii) government fees imposed for regulatory or revenue raising purposes; or

14043 (iv) interest earned on public funds or other returns on investment of public funds.

14044 (3) "Expenditure" means:

14045 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
14046 or anything of value made for political purposes;

14047 (b) an express, legally enforceable contract, promise, or agreement to make any
14048 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
14049 value for political purposes;

14050 (c) a transfer of funds between a public entity and a candidate's personal campaign
14051 committee;

14052 (d) a transfer of funds between a public entity and a political issues committee; or

14053 (e) goods or services provided to or for the benefit of a candidate, a candidate's
14054 personal campaign committee, or a political issues committee for political purposes at less than
14055 fair market value.

14056 (4) "Governmental interlocal cooperation agency" means an interlocal cooperation
14057 agency that receives some or all of its revenues from:

- 14058 (a) government appropriations;
- 14059 (b) taxes;
- 14060 (c) government fees imposed for regulatory or revenue raising purposes; or
- 14061 (d) interest earned on public funds or other returns on investment of public funds.
- 14062 (5) (a) "Influence" means to campaign or advocate for or against a ballot proposition.
- 14063 (b) "Influence" does not mean providing a brief statement about a public entity's
- 14064 position on a ballot proposition and the reason for that position.
- 14065 (6) "Interlocal cooperation agency" means an entity created by interlocal agreement
- 14066 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 14067 (7) "Local district" means an entity under Title 17B, Limited Purposed Local
- 14068 Government Entities - Local Districts, and includes a special service district under Title 17A,
- 14069 Chapter 2, Part 13, Utah Special Service District Act.
- 14070 [~~7~~] (8) (a) "Political issues committee" means an entity, or any group of individuals
- 14071 or entities within or outside this state, that solicits or receives contributions from any other
- 14072 person, group, or entity and makes expenditures from these contributions to influence, or to
- 14073 intend to influence, directly or indirectly, any person to assist in placing a ballot proposition on
- 14074 the ballot, to assist in keeping a ballot proposition off the ballot, or to refrain from voting or to
- 14075 vote for or to vote against any ballot proposition.
- 14076 (b) "Political issues committee" does not mean an entity that provides goods or services
- 14077 to an individual or committee in the regular course of its business at the same price that would
- 14078 be provided to the general public.
- 14079 [~~8~~] (9) "Political purposes" means an act done with the intent or in a way to influence
- 14080 or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or
- 14081 against any candidate for public office at any caucus, political convention, primary, or election.
- 14082 [~~9~~] (10) (a) "Public entity" includes the state, each state agency, each county,
- 14083 municipality, school district, [~~special~~] local district, governmental interlocal cooperation
- 14084 agency, and each administrative subunit of each of them.
- 14085 (b) "Public entity" does not include a commercial interlocal cooperation agency.

14086 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
14087 Local Health Departments.

14088 ~~[(10)]~~ (11) (a) "Public funds" means any monies received by a public entity from
14089 appropriations, taxes, fees, interest, or other returns on investment.

14090 (b) "Public funds" does not include monies donated to a public entity by a person or
14091 entity.

14092 ~~[(11)]~~ (12) (a) "Public official" means an elected or appointed member of government
14093 with authority to make or determine public policy.

14094 (b) "Public official" includes the person or group that:

14095 (i) has supervisory authority over the personnel and affairs of a public entity; and

14096 (ii) approves the expenditure of funds for the public entity.

14097 ~~[(12) "Special district" means each entity created under the authority of Title 17A,
14098 Special Districts.]~~

14099 (13) (a) "State agency" means each department, commission, board, council, agency,
14100 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
14101 unit, bureau, panel, or other administrative unit of the state.

14102 (b) "State agency" includes the legislative branch, the Board of Regents, the
14103 institutional councils of each higher education institution, and each higher education
14104 institution.

14105 Section 394. Section **26-8a-405.1** is amended to read:

14106 **26-8a-405.1. Selection of provider by political subdivision.**

14107 (1) For purposes of this section and Sections 26-8a-405.2 and 26-8a-405.3:

14108 (a) "911 ambulance or paramedic services" means either 911 ambulance service, or 911
14109 paramedic service, or both and:

14110 (i) means a 911 call received by a designated dispatch center that receives 911 or E911
14111 calls; and

14112 (ii) does not mean a seven digit telephone call received directly by an ambulance
14113 provider licensed under this chapter.

14114 (b) "Governing body" means:

14115 (i) in the case of a municipality or county, the elected council, commission, or other

14116 legislative body that is vested with the legislative power of the municipality;

14117 (ii) in the case of a special service district, local service district, or county service area,

14118 each elected council, commission, or other legislative body that is vested with the legislative

14119 power of the municipalities or counties that are members of the district or service area; and

14120 (iii) in the case of a ~~[special]~~ local district or special service district for fire protection

14121 or interlocal entity, the board or other body vested with the power to adopt, amend, and repeal

14122 rules, bylaws, policies, and procedures for the regulation of its affairs and the conduct of its

14123 business.

14124 (c) "Political subdivision" means:

14125 (i) a city or town located in a county of the first or second class as defined in Section

14126 17-50-501;

14127 (ii) a county of the first or second class;

14128 (iii) the following districts ~~[or service areas]~~ located in a county of the first or second

14129 class:

14130 (A) a special service district created under Title 17A, Chapter 2, Part 13, Utah Special

14131 Service District Act; and

14132 (B) a local district ~~[created]~~ under Title 17B, ~~[Chapter 2, Local Districts]~~ Limited

14133 Purpose Local Government Entities - Local Districts, for the purpose of providing fire

14134 protection, paramedic, and emergency services; ~~[and]~~ or

14135 ~~[(C) a county service area created under Title 17A, Chapter 2, Part 4, County Service~~

14136 ~~Area Act, for the purpose of providing fire protection, paramedic, and emergency services; or]~~

14137 (iv) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);

14138 (v) municipalities and counties joining together pursuant to Title 11, Chapter 13,

14139 Interlocal Cooperation Act; or

14140 (vi) a special service district for fire protection as defined in Section 17A-2-1304.

14141 (2) (a) Only an applicant approved under Section 26-8a-405 may respond to a request

14142 for a proposal for 911 ambulance or paramedic services issued in accordance with Section
14143 26-8a-405.2 by a political subdivision.

14144 (b) A response to a request for proposal is subject to the maximum rates established by
14145 the department under Section 26-8a-403.

14146 (c) A political subdivision may award a contract to an applicant for the provision of
14147 911 ambulance or paramedic services:

14148 (i) in accordance with Section 26-8a-405.2; and

14149 (ii) subject to Subsection (3).

14150 (3) (a) The department shall issue a license to an applicant selected by a political
14151 subdivision under Subsection (2) unless the department finds that issuing a license to that
14152 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
14153 service area.

14154 (b) A license issued under this Subsection (3):

14155 (i) is for the exclusive geographic service area approved by the department in
14156 accordance with Subsection 26-8a-405.2(2);

14157 (ii) is valid for four years;

14158 (iii) is not subject to a request for license from another applicant under the provisions
14159 of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's
14160 license is revoked under Section 26-8a-504; and

14161 (iv) is subject to supervision by the department under Sections 26-8a-503 and
14162 26-8a-504.

14163 (4) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of Sections
14164 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.

14165 Section 395. Section **32A-2-103** is amended to read:

14166 **32A-2-103. Operational restrictions.**

14167 (1) Liquor may not be sold from a state store except in a sealed package. The package
14168 may not be opened on the premises of any state store.

14169 (2) (a) An officer, agent, clerk, or employee of a state store may not consume or allow

- 14170 to be consumed by any person any alcoholic beverage on the premises of a state store.
- 14171 (b) Violation of this Subsection (2) is a class B misdemeanor.
- 14172 (3) All liquor sold shall be in packages that are properly marked and labeled in
14173 accordance with the rules adopted under this title.
- 14174 (4) Liquor may not be sold except at prices fixed by the commission.
- 14175 (5) Liquor may not be sold, delivered, or furnished to any:
- 14176 (a) minor;
- 14177 (b) person actually, apparently, or obviously intoxicated;
- 14178 (c) known habitual drunkard; or
- 14179 (d) known interdicted person.
- 14180 (6) Sale or delivery of liquor may not be made on or from the premises of any state
14181 store, nor may any state store be kept open for the sale of liquor:
- 14182 (a) on Sunday;
- 14183 (b) on any state or federal legal holiday;
- 14184 (c) on any day on which any regular general election, regular primary election, or
14185 statewide special election is held;
- 14186 (d) on any day on which any municipal, [~~special~~] local district, special service district,
14187 or school election is held, but only within the boundaries of the municipality, [~~special~~] local
14188 district, special service district, or school district holding the election and only if the
14189 municipality, [~~special~~] local district, special service district or school district in which the
14190 election is being held notifies the department at least 30 days prior to the date of the election; or
- 14191 (e) except on days and during hours as the commission may direct by rule or order.
- 14192 (7) Each state store shall display in a prominent place in the store a sign in large letters
14193 stating: "Warning: Driving under the influence of alcohol or drugs is a serious crime that is
14194 prosecuted aggressively in Utah."
- 14195 (8) (a) A minor may not be admitted into, or be on the premises of a state store unless
14196 accompanied by a person who is:
- 14197 (i) 21 years of age or older; and

14198 (ii) the minor's parent, legal guardian, or spouse.

14199 (b) Any state store employee that has reason to believe that a person who is on the
14200 premises of a state store is under the age of 21 and is not accompanied by a person described in
14201 Subsection (8)(a) may:

14202 (i) ask the suspected minor for proof of age;

14203 (ii) ask the person who accompanied the suspected minor for proof of age; and

14204 (iii) ask the suspected minor or the person who accompanied the suspected minor for
14205 proof of parental, guardianship, or spousal relationship.

14206 (c) Any state store employee shall refuse to sell liquor to the suspected minor and to the
14207 person who accompanied the suspected minor into the state store if they fail to provide any of
14208 the information specified in Subsection (8)(b).

14209 (d) Any state store employee shall require the suspected minor and the person who
14210 accompanied the suspected minor into the state store to immediately leave the premises of the
14211 state store if they fail to provide any of the information specified in Subsection (8)(b).

14212 Section 396. Section **32A-3-106** is amended to read:

14213 **32A-3-106. Operational restrictions.**

14214 (1) (a) A package agency may not be operated until a package agency agreement has
14215 been entered into by the package agent and the department.

14216 (b) The agreement shall state the conditions of operation by which the package agent
14217 and the department are bound.

14218 (c) If the package agent violates the conditions, terms, or covenants contained in the
14219 agreement, or violates any provisions of this title, the department may take whatever action
14220 against the agent that is allowed by the package agency agreement.

14221 (d) Actions against the package agent are governed solely by the agreement and may
14222 include suspension or revocation of the agency.

14223 (2) (a) A package agency may not purchase liquor from any person except from the
14224 department.

14225 (b) At the discretion of the department, liquor may be provided by the department to a

14226 package agency for sale on consignment.

14227 (3) The department may pay or otherwise remunerate a package agent on any basis
14228 including sales or volume of business done by the agency.

14229 (4) Liquor may not be sold from any package agency except in a sealed package. The
14230 package may not be opened on the premises of a package agency.

14231 (5) All liquor sold shall be in packages that are properly marked and labeled in
14232 accordance with the rules adopted under this title.

14233 (6) A package agency may not display liquor or price lists in windows or showcases
14234 visible to passersby.

14235 (7) (a) An officer, agent, clerk, or employee of a package agency may not consume or
14236 allow to be consumed by any person any alcoholic beverage on the premises of a package
14237 agency.

14238 (b) Violation of this Subsection (7) is a class B misdemeanor.

14239 (8) Liquor may not be sold except at prices fixed by the commission.

14240 (9) Liquor may not be sold, delivered, or furnished to any:

14241 (a) minor;

14242 (b) person actually, apparently, or obviously intoxicated;

14243 (c) known habitual drunkard; or

14244 (d) known interdicted person.

14245 (10) (a) Subject to Subsection (10)(b), sale or delivery of liquor may not be made on or
14246 from the premises of any package agency nor may any package agency be kept open for the sale
14247 of liquor:

14248 (i) on Sunday;

14249 (ii) on any state or federal legal holiday;

14250 (iii) on any day on which any regular general election, regular primary election, or
14251 statewide special election is held until after the polls are closed;

14252 (iv) on any day on which any municipal, [~~special~~] local district, special service district,
14253 or school election is held until after the polls are closed, but only within the boundaries of the

14254 municipality, [~~special~~] local district, special service district, or school district holding the
14255 election and only if the municipality, [~~special~~] local district, special service district, or school
14256 district in which the election is being held notifies the department at least 30 days prior to the
14257 date of the election; or

14258 (v) except on days and during hours as the commission may direct by rule or order.

14259 (b) The restrictions in Subsections (10)(a)(i) and (ii) govern unless:

14260 (i) the package agency is located at a winery licensed under Chapter 8, Manufacturing
14261 Licenses;

14262 (ii) the winery licensed under Chapter 8, Manufacturing Licenses, holds:

14263 (A) a restaurant liquor license under Chapter 4, Part 1, Restaurant Liquor Licenses; or

14264 (B) a limited restaurant license under Chapter 4, Part 3, Limited Restaurant Licenses;

14265 (iii) the restaurant described in Subsection (10)(b)(ii) is located at the winery;

14266 (iv) the restaurant described in Subsection (10)(b)(ii) sells wines produced at the
14267 winery;

14268 (v) the winery described in Subsection (10)(b)(i):

14269 (A) owns the restaurant; or

14270 (B) operates the restaurant;

14271 (vi) the package agency only sells wine produced at the winery; and

14272 (vii) the package agency's days and hours of sale are the same as the days and hours of
14273 sale at the restaurant described in Subsection (10)(b)(ii).

14274 (11) The package agency certificate issued by the commission shall be permanently
14275 posted in a conspicuous place in the package agency.

14276 (12) Each package agent shall display in a prominent place in the package agency a
14277 sign in large letters stating: "Warning: Driving under the influence of alcohol or drugs is a
14278 serious crime that is prosecuted aggressively in Utah."

14279 (13) (a) A package agency may not close or cease operation for a period longer than 72
14280 hours, unless:

14281 (i) the package agency notifies the department in writing at least seven days before the

14282 closing; and

14283 (ii) the closure or cessation of operation is first approved by the department.

14284 (b) Notwithstanding Subsection (13)(a), in the case of emergency closure, immediate

14285 notice of closure shall be made to the department by telephone.

14286 (c) (i) The department may authorize a closure or cessation of operation for a period

14287 not to exceed 60 days.

14288 (ii) The department may extend the initial period an additional 30 days upon written

14289 request of the package agency and upon a showing of good cause.

14290 (iii) A closure or cessation of operation may not exceed a total of 90 days without

14291 commission approval.

14292 (d) The notice required by Subsection (13)(a) shall include:

14293 (i) the dates of closure or cessation of operation;

14294 (ii) the reason for the closure or cessation of operation; and

14295 (iii) the date on which the agency will reopen or resume operation.

14296 (e) Failure of the agency to provide notice and to obtain department authorization prior

14297 to closure or cessation of operation shall result in an automatic termination of the package

14298 agency contract effective immediately.

14299 (f) Failure of the agency to reopen or resume operation by the approved date shall

14300 result in an automatic termination of the package agency contract effective on that date.

14301 (14) Liquor may not be stored or sold in any place other than as designated in the

14302 package agent's application, unless the package agent first applies for and receives approval

14303 from the department for a change of location within the package agency premises.

14304 (15) (a) Except to the extent authorized by commission rule, a minor may not be

14305 admitted into, or be on the premises of a package agency unless accompanied by a person who

14306 is:

14307 (i) 21 years of age or older; and

14308 (ii) the minor's parent, legal guardian, or spouse.

14309 (b) Any package agent or employee of the package agency that has reason to believe

14310 that a person who is on the premises of a package agency store is under the age of 21 and is not
14311 accompanied by a person described in Subsection (15)(a) may:

- 14312 (i) ask the suspected minor for proof of age;
- 14313 (ii) ask the person who accompanied the suspected minor for proof of age; and
- 14314 (iii) ask the suspected minor or the person who accompanied the suspected minor for
14315 proof of parental, guardianship, or spousal relationship.

14316 (c) Any package agent or employee of a package agency shall refuse to sell liquor to
14317 the suspected minor and to the person who accompanied the suspected minor into the package
14318 agency if they fail to provide any of the information specified in Subsection (15)(b).

14319 (d) Any package agent or employee of a package agency shall require the suspected
14320 minor and the person who accompanied the suspected minor into the package agency to
14321 immediately leave the premises of the package agency if they fail to provide any of the
14322 information specified in Subsection (15)(b).

14323 (16) A package agency may not transfer its operations from one location to another
14324 without prior written approval of the commission.

14325 (17) (a) A person, having been granted a package agency, may not sell, transfer, assign,
14326 exchange, barter, give, or attempt in any way to dispose of the package agency to any other
14327 person, whether for monetary gain or not.

14328 (b) A package agency has no monetary value for the purpose of any type of disposition.

14329 Section 397. Section **32A-4-106** is amended to read:

14330 **32A-4-106. Operational restrictions.**

14331 Each person granted a restaurant liquor license and the employees and management
14332 personnel of the restaurant shall comply with the following conditions and requirements.
14333 Failure to comply may result in a suspension or revocation of the license or other disciplinary
14334 action taken against individual employees or management personnel.

14335 (1) (a) Liquor may not be purchased by a restaurant liquor licensee except from state
14336 stores or package agencies.

14337 (b) Liquor purchased may be transported by the restaurant liquor licensee from the

14338 place of purchase to the licensed premises.

14339 (c) Payment for liquor shall be made in accordance with rules established by the
14340 commission.

14341 (2) A restaurant liquor licensee may sell or provide a primary spirituous liquor only in a
14342 quantity not to exceed one ounce per beverage dispensed through a calibrated metered
14343 dispensing system approved by the department in accordance with commission rules adopted
14344 under this title, except that:

14345 (a) spirituous liquor need not be dispensed through a calibrated metered dispensing
14346 system if used as a secondary flavoring ingredient in a beverage subject to the following
14347 restrictions:

14348 (i) the secondary ingredient may be dispensed only in conjunction with the purchase of
14349 a primary spirituous liquor;

14350 (ii) the secondary ingredient is not the only spirituous liquor in the beverage;

14351 (iii) the restaurant liquor licensee shall designate a location where flavorings are stored
14352 on the floor plan provided to the department; and

14353 (iv) all flavoring containers shall be plainly and conspicuously labeled "flavorings";

14354 (b) spirituous liquor need not be dispensed through a calibrated metered dispensing
14355 system if used:

14356 (i) as a flavoring on desserts; and

14357 (ii) in the preparation of flaming food dishes, drinks, and desserts;

14358 (c) each restaurant patron may have no more than 2.75 ounces of spirituous liquor at a
14359 time; and

14360 (d) each restaurant patron may have no more than one spirituous liquor drink at a time
14361 before the patron.

14362 (3) (a) (i) Wine may be sold and served by the glass or in an individual portion not to
14363 exceed five ounces per glass or individual portion.

14364 (ii) An individual portion of wine may be served to a patron in more than one glass as
14365 long as the total amount of wine does not exceed five ounces.

14366 (iii) An individual portion of wine is considered to be one alcoholic beverage under
14367 Subsection (7)(e).

14368 (b) (i) Wine may be sold and served in containers not exceeding 1.5 liters at prices
14369 fixed by the commission to tables of four or more persons.

14370 (ii) Wine may be sold and served in containers not exceeding 750 ml at prices fixed by
14371 the commission to tables of less than four persons.

14372 (c) A wine service may be performed and a service charge assessed by the restaurant as
14373 authorized by commission rule for wine purchased at the restaurant.

14374 (4) (a) Heavy beer may be served in original containers not exceeding one liter at prices
14375 fixed by the commission.

14376 (b) A service charge may be assessed by the restaurant as authorized by commission
14377 rule for heavy beer purchased at the restaurant.

14378 (5) (a) (i) Subject to Subsection (5)(a)(ii), a restaurant licensed to sell liquor may sell
14379 beer for on-premise consumption:

14380 (A) in an open container; and

14381 (B) on draft.

14382 (ii) Beer sold pursuant to Subsection (5)(a)(i) shall be in a size of container that does
14383 not exceed two liters, except that beer may not be sold to an individual patron in a size of
14384 container that exceeds one liter.

14385 (b) A restaurant licensed under this chapter that sells beer pursuant to Subsection
14386 (5)(a):

14387 (i) may do so without obtaining a separate on-premise beer retailer license from the
14388 commission; and

14389 (ii) shall comply with all appropriate operational restrictions under Chapter 10, Beer
14390 Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are
14391 inconsistent with or less restrictive than the operational restrictions under this part.

14392 (c) Failure to comply with the operational restrictions under Chapter 10, Beer Retailer
14393 Licenses, required by Subsection (5)(b) may result in a suspension or revocation of the

14394 restaurant's:

14395 (i) state liquor license; and

14396 (ii) alcoholic beverage license issued by the local authority.

14397 (6) Alcoholic beverages may not be stored, served, or sold in any place other than as
14398 designated in the licensee's application, unless the licensee first applies for and receives
14399 approval from the department for a change of location within the restaurant.

14400 (7) (a) (i) A patron may only make alcoholic beverage purchases in the restaurant from
14401 and be served by a person employed, designated, and trained by the licensee to sell and serve
14402 alcoholic beverages.

14403 (ii) Notwithstanding Subsection (7)(a)(i), a patron who has purchased bottled wine
14404 from an employee of the restaurant or has carried bottled wine onto the premises of the
14405 restaurant pursuant to Subsection (14) may thereafter serve wine from the bottle to the patron
14406 or others at the patron's table.

14407 (b) Alcoholic beverages shall be delivered by a server to the patron.

14408 (c) Any alcoholic beverage may only be consumed at the patron's table or counter.

14409 (d) Alcoholic beverages may not be served to or consumed by a patron at a bar.

14410 (e) Each restaurant patron may have no more than two alcoholic beverages of any kind
14411 at a time before the patron, subject to the limitation in Subsection (2)(d).

14412 (8) The liquor storage area shall remain locked at all times other than those hours and
14413 days when liquor sales are authorized by law.

14414 (9) (a) Liquor may not be sold, offered for sale, served, or otherwise furnished at a
14415 restaurant during the following days or hours:

14416 (i) until after the polls are closed on the day of any:

14417 (A) regular general election;

14418 (B) regular primary election; or

14419 (C) statewide special election;

14420 (ii) until after the polls are closed on the day of any municipal, [~~special~~] local district,
14421 special service district, or school election, but only:

- 14422 (A) within the boundaries of the municipality, [~~special~~] local district, special service
14423 district, or school district; and
- 14424 (B) if required by local ordinance; and
- 14425 (iii) on any other day after 12 midnight and before 12 noon.
- 14426 (b) The hours of beer sales and service are those specified in Chapter 10, Beer Retailer
14427 Licenses, for on-premise beer licensees.
- 14428 (10) Alcoholic beverages may not be sold except in connection with an order for food
14429 prepared, sold, and served at the restaurant.
- 14430 (11) Alcoholic beverages may not be sold, served, or otherwise furnished to any:
- 14431 (a) minor;
- 14432 (b) person actually, apparently, or obviously intoxicated;
- 14433 (c) known habitual drunkard; or
- 14434 (d) known interdicted person.
- 14435 (12) (a) (i) Liquor may be sold only at prices fixed by the commission.
- 14436 (ii) Liquor may not be sold at discount prices on any date or at any time.
- 14437 (b) An alcoholic beverage may not be sold at less than the cost of the alcoholic
14438 beverage to the licensee.
- 14439 (c) An alcoholic beverage may not be sold at a special or reduced price that encourages
14440 over consumption or intoxication.
- 14441 (d) An alcoholic beverage may not be sold at a special or reduced price for only certain
14442 hours of the restaurant's business day such as a "happy hour."
- 14443 (e) The sale or service of more than one alcoholic beverage for the price of a single
14444 alcoholic beverage is prohibited.
- 14445 (f) The sale or service of an indefinite or unlimited number of alcoholic beverages
14446 during any set period for a fixed price is prohibited.
- 14447 (g) A restaurant licensee may not engage in a public promotion involving or offering
14448 free alcoholic beverages to the general public.
- 14449 (13) Alcoholic beverages may not be purchased for a patron of a restaurant by:

14450 (a) the licensee; or

14451 (b) any employee or agent of the licensee.

14452 (14) (a) A person may not bring onto the premises of a restaurant liquor licensee any
14453 alcoholic beverage for on-premise consumption, except a person may bring, subject to the
14454 discretion of the licensee, bottled wine onto the premises of any restaurant liquor licensee for
14455 on-premise consumption.

14456 (b) Except bottled wine under Subsection (14)(a), a restaurant liquor licensee or its
14457 officers, managers, employees, or agents may not allow:

14458 (i) a person to bring onto the restaurant premises any alcoholic beverage for on-premise
14459 consumption; or

14460 (ii) consumption of any such alcoholic beverage on its premises.

14461 (c) If bottled wine is carried in by a patron, the patron shall deliver the wine to a server
14462 or other representative of the licensee upon entering the restaurant.

14463 (d) A wine service may be performed and a service charge assessed by the restaurant as
14464 authorized by commission rule for wine carried in by a patron.

14465 (15) (a) Except as provided in Subsection (15)(b), a restaurant licensee and its
14466 employees may not permit a restaurant patron to carry from the restaurant premises an open
14467 container that:

14468 (i) is used primarily for drinking purposes; and

14469 (ii) contains any alcoholic beverage.

14470 (b) Notwithstanding Subsection (15)(a), a restaurant patron may remove from the
14471 restaurant the unconsumed contents of a bottle of wine purchased in the restaurant, or brought
14472 onto the premises of the restaurant in accordance with Subsection (14), provided the bottle has
14473 been recorked or recapped before removal.

14474 (16) (a) A minor may not be employed by a restaurant licensee to sell or dispense
14475 alcoholic beverages.

14476 (b) Notwithstanding Subsection (16)(a), a minor may be employed to enter the sale at a
14477 cash register or other sales recording device.

- 14478 (17) An employee of a restaurant liquor licensee, while on duty, may not:
- 14479 (a) consume an alcoholic beverage; or
- 14480 (b) be intoxicated.
- 14481 (18) Any charge or fee made in connection with the sale, service, or consumption of
- 14482 liquor may be stated in food or alcoholic beverage menus including:
- 14483 (a) a set-up charge;
- 14484 (b) a service charge; or
- 14485 (c) a chilling fee.
- 14486 (19) Each restaurant liquor licensee shall display in a prominent place in the restaurant:
- 14487 (a) the liquor license that is issued by the department;
- 14488 (b) a list of the types and brand names of liquor being served through its calibrated
- 14489 metered dispensing system; and
- 14490 (c) a sign in large letters stating: "Warning: Driving under the influence of alcohol or
- 14491 drugs is a serious crime that is prosecuted aggressively in Utah."
- 14492 (20) The following acts or conduct in a restaurant licensed under this chapter are
- 14493 considered contrary to the public welfare and morals, and are prohibited upon the premises:
- 14494 (a) employing or using any person in the sale or service of alcoholic beverages while
- 14495 the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the
- 14496 female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the
- 14497 buttocks, vulva, or genitals;
- 14498 (b) employing or using the services of any person to mingle with the patrons while the
- 14499 person is unclothed or in attire, costume, or clothing described in Subsection (20)(a);
- 14500 (c) encouraging or permitting any person to touch, caress, or fondle the breasts,
- 14501 buttocks, anus, or genitals of any other person;
- 14502 (d) permitting any employee or person to wear or use any device or covering, exposed
- 14503 to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;
- 14504 (e) permitting any person to use artificial devices or inanimate objects to depict any of
- 14505 the prohibited activities described in this Subsection (20);

14506 (f) permitting any person to remain in or upon the premises who exposes to public
14507 view any portion of that person's genitals or anus; or

14508 (g) showing films, still pictures, electronic reproductions, or other visual reproductions
14509 depicting:

14510 (i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral
14511 copulation, flagellation, or any sexual acts prohibited by Utah law;

14512 (ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or
14513 genitals;

14514 (iii) scenes wherein artificial devices or inanimate objects are used to depict, or
14515 drawings are used to portray, any of the prohibited activities described in this Subsection (20);
14516 or

14517 (iv) scenes wherein a person displays the vulva or the anus or the genitals.

14518 (21) Nothing in Subsection (20) precludes a local authority from being more restrictive
14519 of acts or conduct of the type prohibited in Subsection (20).

14520 (22) (a) Although live entertainment is permitted on the premises of a restaurant liquor
14521 licensee, a licensee may not allow any person to perform or simulate sexual acts prohibited by
14522 Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral copulation,
14523 flagellation, the touching, caressing, or fondling of the breast, buttocks, anus, or genitals, or the
14524 displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform only upon a
14525 stage or at a designated area approved by the commission.

14526 (b) Nothing in Subsection (22)(a) precludes a local authority from being more
14527 restrictive of acts or conduct of the type prohibited in Subsection (22)(a).

14528 (23) A restaurant liquor licensee may not engage in or permit any form of gambling, or
14529 have any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11,
14530 Gambling, on the premises of the restaurant liquor licensee.

14531 (24) (a) Each restaurant liquor licensee shall maintain an expense ledger or record
14532 showing in detail:

14533 (i) quarterly expenditures made separately for:

- 14534 (A) malt or brewed beverages;
- 14535 (B) set-ups;
- 14536 (C) liquor;
- 14537 (D) food; and
- 14538 (E) all other items required by the department; and
- 14539 (ii) sales made separately for:
 - 14540 (A) malt or brewed beverages;
 - 14541 (B) set-ups;
 - 14542 (C) food; and
 - 14543 (D) all other items required by the department.
- 14544 (b) The record required by Subsection (24)(a) shall be kept:
 - 14545 (i) in a form approved by the department; and
 - 14546 (ii) current for each three-month period.
- 14547 (c) Each expenditure shall be supported by:
 - 14548 (i) delivery tickets;
 - 14549 (ii) invoices;
 - 14550 (iii) receipted bills;
 - 14551 (iv) canceled checks;
 - 14552 (v) petty cash vouchers; or
 - 14553 (vi) other sustaining data or memoranda.
- 14554 (d) In addition to a ledger or record required under Subsection (24)(a), a restaurant
- 14555 liquor licensee shall maintain accounting and other records and documents as the department
- 14556 may require.
- 14557 (e) Any restaurant or person acting for the restaurant, who knowingly forges, falsifies,
- 14558 alters, cancels, destroys, conceals, or removes the entries in any of the books of account or
- 14559 other documents of the restaurant required to be made, maintained, or preserved by this title or
- 14560 the rules of the commission for the purpose of deceiving the commission or the department, or
- 14561 any of their officials or employees, is subject to:

- 14562 (i) the suspension or revocation of the restaurant's liquor license; and
- 14563 (ii) possible criminal prosecution under Chapter 12, Criminal Offenses.
- 14564 (25) (a) A restaurant liquor licensee may not close or cease operation for a period
- 14565 longer than 240 hours, unless:
- 14566 (i) the restaurant liquor licensee notifies the department in writing at least seven days
- 14567 before the closing; and
- 14568 (ii) the closure or cessation of operation is first approved by the department.
- 14569 (b) Notwithstanding Subsection (25)(a), in the case of emergency closure, immediate
- 14570 notice of closure shall be made to the department by telephone.
- 14571 (c) The department may authorize a closure or cessation of operation for a period not to
- 14572 exceed 60 days. The department may extend the initial period an additional 30 days upon
- 14573 written request of the restaurant licensee and upon a showing of good cause. A closure or
- 14574 cessation of operation may not exceed a total of 90 days without commission approval.
- 14575 (d) Any notice shall include:
- 14576 (i) the dates of closure or cessation of operation;
- 14577 (ii) the reason for the closure or cessation of operation; and
- 14578 (iii) the date on which the licensee will reopen or resume operation.
- 14579 (e) Failure of the licensee to provide notice and to obtain department authorization
- 14580 prior to closure or cessation of operation shall result in an automatic forfeiture of:
- 14581 (i) the license; and
- 14582 (ii) the unused portion of the license fee for the remainder of the license year effective
- 14583 immediately.
- 14584 (f) Failure of the licensee to reopen or resume operation by the approved date shall
- 14585 result in an automatic forfeiture of:
- 14586 (i) the license; and
- 14587 (ii) the unused portion of the license fee for the remainder of the license year.
- 14588 (26) Each restaurant liquor licensee shall maintain at least 70% of its total restaurant
- 14589 business from the sale of food, which does not include mix for alcoholic beverages or service

14590 charges.

14591 (27) A restaurant liquor license may not be transferred from one location to another,
14592 without prior written approval of the commission.

14593 (28) (a) A person, having been granted a restaurant liquor license may not sell, transfer,
14594 assign, exchange, barter, give, or attempt in any way to dispose of the license to any other
14595 person whether for monetary gain or not.

14596 (b) A restaurant liquor license has no monetary value for the purpose of any type of
14597 disposition.

14598 (29) Each server of alcoholic beverages in a licensee's establishment shall keep a
14599 written beverage tab for each table or group that orders or consumes alcoholic beverages on the
14600 premises. The beverage tab shall list the type and amount of alcoholic beverages ordered or
14601 consumed.

14602 (30) A person's willingness to serve alcoholic beverages may not be made a condition
14603 of employment as a server with a restaurant that has a restaurant liquor license.

14604 Section 398. Section **32A-4-307** is amended to read:

14605 **32A-4-307. Operational restrictions.**

14606 Each person granted a limited restaurant license and the employees and management
14607 personnel of the restaurant shall comply with the following conditions and requirements.
14608 Failure to comply may result in a suspension or revocation of the license or other disciplinary
14609 action taken against individual employees or management personnel.

14610 (1) (a) Wine and heavy beer may not be purchased by a limited restaurant licensee
14611 except from state stores or package agencies.

14612 (b) Wine and heavy beer purchased in accordance with Subsection (1)(a) may be
14613 transported by the licensee from the place of purchase to the licensed premises.

14614 (c) Payment for wine and heavy beer shall be made in accordance with rules
14615 established by the commission.

14616 (2) (a) A limited restaurant licensee may not sell, serve, or allow consumption of
14617 spirituous liquor on the premises of the restaurant.

- 14618 (b) Spirituous liquor may not be on the premises of the restaurant except for use:
- 14619 (i) as a flavoring on desserts; and
- 14620 (ii) in the preparation of flaming food dishes, drinks, and desserts.
- 14621 (3) (a) (i) Wine may be sold and served by the glass or an individual portion not to
- 14622 exceed five ounces per glass or individual portion.
- 14623 (ii) An individual portion may be served to a patron in more than one glass as long as
- 14624 the total amount of wine does not exceed five ounces.
- 14625 (iii) An individual portion of wine is considered to be one alcoholic beverage under
- 14626 Subsection (7)(e).
- 14627 (b) (i) Wine may be sold and served in containers not exceeding 1.5 liters at prices
- 14628 fixed by the commission to tables of four or more persons.
- 14629 (ii) Wine may be sold and served in containers not exceeding 750 ml at prices fixed by
- 14630 the commission to tables of less than four persons.
- 14631 (c) A wine service may be performed and a service charge assessed by the limited
- 14632 restaurant as authorized by commission rule for wine purchased at the limited restaurant.
- 14633 (4) (a) Heavy beer may be served in original containers not exceeding one liter at prices
- 14634 fixed by the commission.
- 14635 (b) A service charge may be assessed by the limited restaurant as authorized by
- 14636 commission rule for heavy beer purchased at the restaurant.
- 14637 (5) (a) (i) Subject to Subsection (5)(a)(ii), a limited restaurant licensee may sell beer for
- 14638 on-premise consumption:
- 14639 (A) in an open container; and
- 14640 (B) on draft.
- 14641 (ii) Beer sold pursuant to Subsection (5)(a)(i) shall be in a size of container that does
- 14642 not exceed two liters, except that beer may not be sold to an individual patron in a size of
- 14643 container that exceeds one liter.
- 14644 (b) A limited restaurant licensee that sells beer pursuant to Subsection (5)(a):
- 14645 (i) may do so without obtaining a separate on-premise beer retailer license from the

14646 commission; and

14647 (ii) shall comply with all appropriate operational restrictions under Chapter 10, Beer
14648 Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are
14649 inconsistent with or less restrictive than the operational restrictions under this part.

14650 (c) Failure to comply with the operational restrictions under Chapter 10, Beer Retailer
14651 Licenses, required by Subsection (5)(b) may result in a suspension or revocation of the
14652 restaurant's:

14653 (i) limited restaurant license; and

14654 (ii) alcoholic beverage license issued by the local authority.

14655 (6) Wine, heavy beer, and beer may not be stored, served, or sold in any place other
14656 than as designated in the licensee's application, unless the licensee first applies for and receives
14657 approval from the department for a change of location within the restaurant.

14658 (7) (a) (i) A patron may only make alcoholic beverage purchases in the limited
14659 restaurant from and be served by a person employed, designated, and trained by the licensee to
14660 sell and serve alcoholic beverages.

14661 (ii) Notwithstanding Subsection (7)(a)(i), a patron who has purchased bottled wine
14662 from an employee of the restaurant or has carried bottled wine onto the premises of the
14663 restaurant pursuant to Subsection (14) may thereafter serve wine from the bottle to the patron
14664 or others at the patron's table.

14665 (b) Alcoholic beverages shall be delivered by a server to the patron.

14666 (c) Any alcoholic beverage may only be consumed at the patron's table or counter.

14667 (d) Alcoholic beverages may not be served to or consumed by a patron at a bar.

14668 (e) Each restaurant patron may have no more than two alcoholic beverages of any kind
14669 at a time before the patron.

14670 (8) The alcoholic beverage storage area shall remain locked at all times other than
14671 those hours and days when alcoholic beverage sales are authorized by law.

14672 (9) (a) Wine and heavy beer may not be sold, offered for sale, served, or otherwise
14673 furnished at a limited restaurant during the following days or hours:

- 14674 (i) until after the polls are closed on the day of any:
- 14675 (A) regular general election;
- 14676 (B) regular primary election; or
- 14677 (C) statewide special election;
- 14678 (ii) until after the polls are closed on the day of any municipal, [~~special~~] local district,
- 14679 special service district, or school election, but only:
- 14680 (A) within the boundaries of the municipality, [~~special~~] local district, special service
- 14681 district, or school district; and
- 14682 (B) if required by local ordinance; and
- 14683 (iii) on any other day after 12 midnight and before 12 noon.
- 14684 (b) The hours of beer sales and service are those specified in Chapter 10, Beer Retailer
- 14685 Licenses, for on-premise beer licensees.
- 14686 (10) Alcoholic beverages may not be sold except in connection with an order of food
- 14687 prepared, sold, and served at the restaurant.
- 14688 (11) Wine, heavy beer, and beer may not be sold, served, or otherwise furnished to any:
- 14689 (a) minor;
- 14690 (b) person actually, apparently, or obviously intoxicated;
- 14691 (c) known habitual drunkard; or
- 14692 (d) known interdicted person.
- 14693 (12) (a) (i) Wine and heavy beer may be sold only at prices fixed by the commission.
- 14694 (ii) Wine and heavy beer may not be sold at discount prices on any date or at any time.
- 14695 (b) Alcoholic beverages may not be sold at less than the cost of the alcoholic beverages
- 14696 to the licensee.
- 14697 (c) An alcoholic beverage may not be sold at a special or reduced price that encourages
- 14698 over consumption or intoxication.
- 14699 (d) An alcoholic beverage may not be sold at a special or reduced price for only certain
- 14700 hours of the limited restaurant's business day such as a "happy hour."
- 14701 (e) The sale or service of more than one alcoholic beverage for the price of a single

14702 alcoholic beverage is prohibited.

14703 (f) The sale or service of an indefinite or unlimited number of alcoholic beverages
14704 during any set period for a fixed price is prohibited.

14705 (g) A limited restaurant licensee may not engage in a public promotion involving or
14706 offering free alcoholic beverages to the general public.

14707 (13) Alcoholic beverages may not be purchased for a patron of the restaurant by:

14708 (a) the licensee; or

14709 (b) any employee or agent of the licensee.

14710 (14) (a) A person may not bring onto the premises of a limited restaurant licensee any
14711 alcoholic beverage for on-premise consumption, except a person may bring, subject to the
14712 discretion of the licensee, bottled wine onto the premises of any limited restaurant licensee for
14713 on-premise consumption.

14714 (b) Except bottled wine under Subsection (14)(a), a limited restaurant licensee or its
14715 officers, managers, employees, or agents may not allow:

14716 (i) a person to bring onto the restaurant premises any alcoholic beverage for on-premise
14717 consumption; or

14718 (ii) consumption of any alcoholic beverage described in Subsection (14)(b)(i) on its
14719 premises.

14720 (c) If bottled wine is carried in by a patron, the patron shall deliver the wine to a server
14721 or other representative of the licensee upon entering the restaurant.

14722 (d) A wine service may be performed and a service charge assessed by the restaurant as
14723 authorized by commission rule for wine carried in by a patron.

14724 (15) (a) Except as provided in Subsection (15)(b), a limited restaurant licensee and its
14725 employees may not permit a restaurant patron to carry from the restaurant premises an open
14726 container that:

14727 (i) is used primarily for drinking purposes; and

14728 (ii) contains any alcoholic beverage.

14729 (b) Notwithstanding Subsection (15)(a), a patron may remove the unconsumed contents

14730 of a bottle of wine if before removal the bottle has been recorked or recapped.

14731 (16) (a) A minor may not be employed by a limited restaurant licensee to sell or
14732 dispense alcoholic beverages.

14733 (b) Notwithstanding Subsection (16)(a), a minor may be employed to enter the sale at a
14734 cash register or other sales recording device.

14735 (17) An employee of a limited restaurant licensee, while on duty, may not:

14736 (a) consume an alcoholic beverage; or

14737 (b) be intoxicated.

14738 (18) A charge or fee made in connection with the sale, service, or consumption of wine
14739 or heavy beer may be stated in food or alcoholic beverage menus including:

14740 (a) a service charge; or

14741 (b) a chilling fee.

14742 (19) Each limited restaurant licensee shall display in a prominent place in the
14743 restaurant:

14744 (a) the license that is issued by the department; and

14745 (b) a sign in large letters stating: "Warning: Driving under the influence of alcohol or
14746 drugs is a serious crime that is prosecuted aggressively in Utah."

14747 (20) The following acts or conduct in a restaurant licensed under this part are
14748 considered contrary to the public welfare and morals, and are prohibited upon the premises:

14749 (a) employing or using any person in the sale or service of alcoholic beverages while
14750 the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the
14751 female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the
14752 buttocks, vulva, or genitals;

14753 (b) employing or using the services of any person to mingle with the patrons while the
14754 person is unclothed or in attire, costume, or clothing described in Subsection (20)(a);

14755 (c) encouraging or permitting any person to touch, caress, or fondle the breasts,
14756 buttocks, anus, or genitals of any other person;

14757 (d) permitting any employee or person to wear or use any device or covering, exposed

14758 to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;

14759 (e) permitting any person to use artificial devices or inanimate objects to depict any of
14760 the prohibited activities described in this Subsection (20);

14761 (f) permitting any person to remain in or upon the premises who exposes to public
14762 view any portion of that person's genitals or anus; or

14763 (g) showing films, still pictures, electronic reproductions, or other visual reproductions
14764 depicting:

14765 (i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral
14766 copulation, flagellation, or any sexual acts prohibited by Utah law;

14767 (ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or
14768 genitals;

14769 (iii) scenes wherein artificial devices or inanimate objects are used to depict, or
14770 drawings are used to portray, any of the prohibited activities described in this Subsection (20);

14771 or

14772 (iv) scenes wherein a person displays the vulva, anus, or the genitals.

14773 (21) Nothing in Subsection (20) precludes a local authority from being more restrictive
14774 of acts or conduct of the type prohibited in Subsection (20).

14775 (22) (a) Although live entertainment is permitted on the premises of a limited
14776 restaurant licensee, a licensee may not allow any person to perform or simulate sexual acts
14777 prohibited by Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral
14778 copulation, flagellation, the touching, caressing, or fondling of the breast, buttocks, anus, or
14779 genitals, or the displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform
14780 only upon a stage or at a designated area approved by the commission.

14781 (b) Nothing in Subsection (22)(a) precludes a local authority from being more
14782 restrictive of acts or conduct of the type prohibited in Subsection (22)(a).

14783 (23) A limited restaurant licensee may not engage in or permit any form of gambling,
14784 or have any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11,
14785 Gambling, on the premises of the restaurant.

- 14786 (24) (a) Each limited restaurant licensee shall maintain an expense ledger or record
- 14787 showing in detail:
- 14788 (i) quarterly expenditures made separately for:
- 14789 (A) wine;
- 14790 (B) heavy beer;
- 14791 (C) beer;
- 14792 (D) food; and
- 14793 (E) all other items required by the department; and
- 14794 (ii) sales made separately for:
- 14795 (A) wine;
- 14796 (B) heavy beer;
- 14797 (C) beer;
- 14798 (D) food; and
- 14799 (E) all other items required by the department.
- 14800 (b) The record required by Subsection (24)(a) shall be kept:
- 14801 (i) in a form approved by the department; and
- 14802 (ii) current for each three-month period.
- 14803 (c) Each expenditure shall be supported by:
- 14804 (i) delivery tickets;
- 14805 (ii) invoices;
- 14806 (iii) receipted bills;
- 14807 (iv) canceled checks;
- 14808 (v) petty cash vouchers; or
- 14809 (vi) other sustaining data or memoranda.
- 14810 (d) In addition to the ledger or record maintained under Subsections (24)(a) through
- 14811 (c), a limited restaurant licensee shall maintain accounting and other records and documents as
- 14812 the department may require.
- 14813 (e) Any restaurant or person acting for the restaurant, who knowingly forges, falsifies,

14814 alters, cancels, destroys, conceals, or removes the entries in any of the books of account or
14815 other documents of the restaurant required to be made, maintained, or preserved by this title or
14816 the rules of the commission for the purpose of deceiving the commission or department, or any
14817 of their officials or employees, is subject to:

- 14818 (i) the suspension or revocation of the limited restaurant's license; and
- 14819 (ii) possible criminal prosecution under Chapter 12, Criminal Offenses.

14820 (25) (a) A limited restaurant licensee may not close or cease operation for a period
14821 longer than 240 hours, unless:

- 14822 (i) the limited restaurant licensee notifies the department in writing at least seven days
14823 before the closing; and

- 14824 (ii) the closure or cessation of operation is first approved by the department.

- 14825 (b) Notwithstanding Subsection (25)(a), in the case of emergency closure, immediate
14826 notice of closure shall be made to the department by telephone.

- 14827 (c) (i) Subject to Subsection (25)(c)(iii), the department may authorize a closure or
14828 cessation of operation for a period not to exceed 60 days.

- 14829 (ii) The department may extend the initial period an additional 30 days upon:

- 14830 (A) written request of the limited restaurant licensee; and

- 14831 (B) a showing of good cause.

- 14832 (iii) A closure or cessation of operation may not exceed a total of 90 days without
14833 commission approval.

- 14834 (d) Any notice required by Subsection (25)(a) shall include:

- 14835 (i) the dates of closure or cessation of operation;

- 14836 (ii) the reason for the closure or cessation of operation; and

- 14837 (iii) the date on which the licensee will reopen or resume operation.

- 14838 (e) Failure of the licensee to provide notice and to obtain department authorization
14839 before closure or cessation of operation shall result in an automatic forfeiture of:

- 14840 (i) the license; and

- 14841 (ii) the unused portion of the license fee for the remainder of the license year effective

14842 immediately.

14843 (f) Failure of the licensee to reopen or resume operation by the approved date shall
14844 result in an automatic forfeiture of:

14845 (i) the license; and

14846 (ii) the unused portion of the license fee for the remainder of the license year.

14847 (26) Each limited restaurant licensee shall maintain at least 70% of its total restaurant
14848 business from the sale of food, which does not include service charges.

14849 (27) A limited restaurant license may not be transferred from one location to another,
14850 without prior written approval of the commission.

14851 (28) (a) A limited restaurant licensee may not sell, transfer, assign, exchange, barter,
14852 give, or attempt in any way to dispose of the license to any other person whether for monetary
14853 gain or not.

14854 (b) A limited restaurant license has no monetary value for the purpose of any type of
14855 disposition.

14856 (29) (a) Each server of wine, heavy beer, and beer in a limited restaurant licensee's
14857 establishment shall keep a written beverage tab for each table or group that orders or consumes
14858 alcoholic beverages on the premises.

14859 (b) The beverage tab required by Subsection (29)(a) shall list the type and amount of
14860 alcoholic beverages ordered or consumed.

14861 (30) A limited restaurant licensee may not make a person's willingness to serve
14862 alcoholic beverages a condition of employment as a server with the restaurant.

14863 Section 399. Section **32A-5-107** is amended to read:

14864 **32A-5-107. Operational restrictions.**

14865 Each club granted a private club license and the employees, management personnel, and
14866 members of the club shall comply with the following conditions and requirements. Failure to
14867 comply may result in a suspension or revocation of the license or other disciplinary action
14868 taken against individual employees or management personnel.

14869 (1) Each private club shall have a governing body that:

- 14870 (a) consists of three or more members of the club; and
- 14871 (b) holds regular meetings to:
- 14872 (i) review membership applications; and
- 14873 (ii) conduct any other business as required by the bylaws or house rules of the private
- 14874 club.
- 14875 (2) (a) Each private club may admit an individual as a member only on written
- 14876 application signed by the applicant, subject to:
- 14877 (i) the applicant paying an application fee as required by Subsection (4); and
- 14878 (ii) investigation, vote, and approval of a quorum of the governing body.
- 14879 (b) (i) Admissions shall be recorded in the official minutes of a regular meeting of the
- 14880 governing body.
- 14881 (ii) An application, whether approved or disapproved, shall be filed as a part of the
- 14882 official records of the licensee.
- 14883 (c) Notwithstanding Subsection (2)(a), a private club, in its discretion, may admit an
- 14884 applicant and immediately accord the applicant temporary privileges of a member until the
- 14885 governing body completes its investigation and votes on the application, subject to the
- 14886 following conditions:
- 14887 (i) the applicant shall:
- 14888 (A) submit a written application; and
- 14889 (B) pay the application fee required by Subsection (4);
- 14890 (ii) the governing body votes on the application at its next meeting which shall take
- 14891 place no later than 31 days following the day on which the application was submitted; and
- 14892 (iii) the applicant's temporary membership privileges are terminated if the governing
- 14893 body disapproves the application.
- 14894 (d) The spouse of a member of any class of private club is entitled to all the rights and
- 14895 privileges of the member:
- 14896 (i) to the extent permitted by the bylaws or house rules of the private club; and
- 14897 (ii) except to the extent restricted by this title.

14898 (e) The minor child of a member of a class A private club is entitled to all the rights
14899 and privileges of the member:

14900 (i) to the extent permitted by the bylaws or house rules of the private club; and

14901 (ii) except to the extent restricted by this title.

14902 (3) (a) Each private club shall maintain a current and complete membership record
14903 showing:

14904 (i) the date of application of each proposed member;

14905 (ii) each member's address;

14906 (iii) the date the governing body approved a member's admission;

14907 (iv) the date initiation fees and dues were assessed and paid; and

14908 (v) the serial number of the membership card issued to each member.

14909 (b) A current record shall also be kept indicating when members are dropped or
14910 resigned.

14911 (4) (a) Each private club shall establish in the club bylaws or house rules application
14912 fees and membership dues:

14913 (i) as established by commission rules; and

14914 (ii) which are collected from all members.

14915 (b) An application fee:

14916 (i) shall not be less than \$4;

14917 (ii) shall be paid when the applicant applies for membership; and

14918 (iii) at the discretion of the private club, may be credited toward membership dues if
14919 the governing body approves the applicant as a member.

14920 (5) (a) Each private club may, in its discretion, allow an individual to be admitted to or
14921 use the club premises as a guest only under the following conditions:

14922 (i) each guest must be previously authorized by one of the following who agrees to host
14923 the guest into the club:

14924 (A) an active member of the club; or

14925 (B) a holder of a current visitor card;

- 14926 (ii) each guest must be known by the guest's host based on a preexisting bonafide
14927 business or personal relationship with the host prior to the guest's admittance to the club;
- 14928 (iii) each guest must be accompanied by the guest's host for the duration of the guest's
14929 visit to the club;
- 14930 (iv) each guest's host must remain on the club premises for the duration of the guest's
14931 visit to the club;
- 14932 (v) each guest's host is responsible for the cost of all services extended to the guest;
- 14933 (vi) each guest enjoys only those privileges derived from the guest's host for the
14934 duration of the guest's visit to the club;
- 14935 (vii) an employee of the club, while on duty, may not act as a host for a guest;
- 14936 (viii) an employee of the club, while on duty, may not attempt to locate a member or
14937 current visitor card holder to serve as a host for a guest with whom the member or visitor card
14938 holder has no acquaintance based on a preexisting bonafide business or personal relationship
14939 prior to the guest's arrival at the club; and
- 14940 (ix) a club and its employees may not enter into an agreement or arrangement with a
14941 club member or holder of a current visitor card to indiscriminately host members of the general
14942 public into the club as guests.
- 14943 (b) Notwithstanding Subsection (5)(a), previous authorization is not required if:
- 14944 (i) the licensee is a class B private club; and
- 14945 (ii) the guest is a member of the same fraternal organization as the private club
14946 licensee.
- 14947 (6) Each private club may, in its discretion, issue visitor cards to allow individuals to
14948 enter and use the club premises on a temporary basis under the following conditions:
- 14949 (a) each visitor card shall be issued for a period not to exceed three weeks;
- 14950 (b) a fee of not less than \$4 shall be assessed for each visitor card issued;
- 14951 (c) a visitor card shall not be issued to a minor;
- 14952 (d) a holder of a visitor card may not host more than seven guests at one time;
- 14953 (e) each visitor card issued shall include:

- 14954 (i) the visitor's full name and signature;
- 14955 (ii) the date the card was issued;
- 14956 (iii) the date the card expires;
- 14957 (iv) the club's name; and
- 14958 (v) the serial number of the card; and
- 14959 (f) (i) the club shall maintain a current record of the issuance of each visitor card on the
- 14960 club premises; and
- 14961 (ii) the record described in Subsection (6)(f)(i) shall:
- 14962 (A) be available for inspection by the department; and
- 14963 (B) include:
- 14964 (I) the name of the person to whom the card was issued;
- 14965 (II) the date the card was issued;
- 14966 (III) the date the card expires; and
- 14967 (IV) the serial number of the card.
- 14968 (7) A private club may not sell alcoholic beverages to or allow any patron to be
- 14969 admitted to or use the club premises other than:
- 14970 (a) a member;
- 14971 (b) a visitor who holds a valid visitor card issued under Subsection (6); or
- 14972 (c) a guest of:
- 14973 (i) a member; or
- 14974 (ii) a holder of a current visitor card.
- 14975 (8) (a) A minor may not be:
- 14976 (i) a member, officer, director, or trustee of a private club;
- 14977 (ii) issued a visitor card;
- 14978 (iii) admitted into, use, or be on the premises of a class D private club except to the
- 14979 extent authorized under Subsections (8)(b) through (g);
- 14980 (iv) admitted into, use, or be on the premises of any lounge or bar area, as defined by
- 14981 commission rule, of any private club except to the extent authorized under Subsection

14982 (8)(c)(ii); or
14983 (v) admitted into, use, or be on the premises of any private club that:
14984 (A) provides sexually oriented adult entertainment as defined by commission rule or by
14985 local ordinance; or
14986 (B) operates as a sexually oriented business as defined by commission rule or by local
14987 ordinance.
14988 (b) At the discretion of a class D private club, a minor may be admitted into, use, or be
14989 on the premises of a class D private club under the following circumstances:
14990 (i) during periods when no alcoholic beverages are sold, served, otherwise furnished, or
14991 consumed on the premises, but in no event later than 1 p.m.;
14992 (ii) when accompanied at all times by a member or holder of a current visitor card who
14993 is the minor's parent, legal guardian, or spouse; and
14994 (iii) the private club has a full kitchen and is licensed by the local jurisdiction as a food
14995 service provider.
14996 (c) A minor may be employed by a class D private club on the premises of the club if:
14997 (i) the parent or legal guardian of the minor owns or operates the class D private club;
14998 or
14999 (ii) the minor performs maintenance and cleaning services during the hours when the
15000 club is not open for business.
15001 (d) (i) Subject to Subsection (8)(d)(ii), a minor who is at least 18 years of age may be
15002 admitted into, use, or be on the premises of a dance or concert hall if:
15003 (A) the dance or concert hall is located:
15004 (I) on the premises of a class D private club; or
15005 (II) on the property that immediately adjoins the premises of and is operated by a class
15006 D private club; and
15007 (B) the commission has issued the class D private club a permit to operate a minor
15008 dance or concert hall based on the criteria described in Subsection (8)(d)(iii).
15009 (ii) If the dance or concert hall is located on the premises of a class D private club, a

15010 minor must be properly hosted in accordance with Subsection (5) by:

15011 (A) a member; or

15012 (B) a holder of a current visitor card.

15013 (iii) The commission may issue a minor dance or concert hall permit if:

15014 (A) the club's lounge, bar, and alcoholic beverage consumption area is:

15015 (I) not accessible to minors;

15016 (II) clearly defined; and

15017 (III) separated from the dance or concert hall area by walls, multiple floor levels, or

15018 other substantial physical barriers;

15019 (B) any bar or dispensing area is not visible to minors;

15020 (C) no consumption of alcoholic beverages may occur in:

15021 (I) the dance or concert hall area; or

15022 (II) any area of the club accessible to a minor;

15023 (D) the club maintains sufficient security personnel to prevent the passing of beverages

15024 from the club's lounge, bar, or alcoholic beverage consumption areas to:

15025 (I) the dance or concert hall area; or

15026 (II) any area of the club accessible to a minor;

15027 (E) there are separate entrances, exits, and restroom facilities from the club's lounge,

15028 bar, and alcoholic beverage consumption areas than for:

15029 (I) the dance or concert hall area; or

15030 (II) any area accessible to a minor; and

15031 (F) the club complies with any other restrictions imposed by the commission by rule.

15032 (e) A minor under 18 years of age who is accompanied at all times by a parent or legal

15033 guardian who is a member or holder of a current visitor card may be admitted into, use, or be

15034 on the premises of a concert hall described in Subsection (8)(d)(i) if:

15035 (i) all requirements of Subsection (8)(d) are met; and

15036 (ii) all signage, product, and dispensing equipment containing recognition of alcoholic

15037 beverages is not visible to the minor.

15038 (f) A minor under 18 years of age but who is 14 years of age or older who is not
15039 accompanied by a parent or legal guardian may be admitted into, use, or be on the premises of a
15040 concert hall described in Subsection (8)(d)(i) if:

15041 (i) all requirements of Subsections (8)(d) and (8)(e)(ii) are met; and
15042 (ii) there is no alcoholic beverage, sales, service, or consumption on the premises of the
15043 class D private club.

15044 (g) The commission may suspend or revoke a minor dance or concert permit issued to a
15045 class D private club and suspend or revoke the license of the class D private club if:

15046 (i) the club fails to comply with the restrictions in Subsection (8)(d), (e), or (f);
15047 (ii) the club sells, serves, or otherwise furnishes alcoholic beverages to a minor;
15048 (iii) the licensee or a supervisory or managerial level employee of the private club is
15049 convicted under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis of activities
15050 that occurred on:

15051 (A) the licensed premises; or
15052 (B) the dance or concert hall that is located on property that immediately adjoins the
15053 premises of and is operated by the class D private club;

15054 (iv) there are three or more convictions of patrons of the private club under Title 58,
15055 Chapter 37, Utah Controlled Substances Act, based on activities that occurred on:

15056 (A) the licensed premises; or
15057 (B) the dance or concert hall that is located on property that immediately adjoins the
15058 premises of and is operated by the class D private club;

15059 (v) there is more than one conviction:

15060 (A) of:

15061 (I) the licensee;
15062 (II) an employee of the licensee;
15063 (III) an entertainer contracted by the licensee; or
15064 (IV) a patron of the private club; and

15065 (B) made on the basis of lewd acts or lewd entertainment prohibited by this title that

15066 occurred on:

15067 (I) the licensed premises; or

15068 (II) the dance or concert hall that is located on property that immediately adjoins the

15069 premises of and is operated by the class D private club; or

15070 (vi) the commission finds acts or conduct contrary to the public welfare and morals

15071 involving lewd acts or lewd entertainment prohibited by this title that occurred on:

15072 (A) the licensed premises; or

15073 (B) the dance or concert hall that is located on property that immediately adjoins the

15074 premises of and is operated by the class D private club.

15075 (h) Nothing in this Subsection (8) shall prohibit a class D private club from selling,

15076 serving, or otherwise furnishing alcoholic beverages in a dance or concert area located on the

15077 club premises on days and times when the club does not allow minors into those areas.

15078 (i) Nothing in Subsections (8)(a) through (g) precludes a local authority from being

15079 more restrictive of a minor's admittance to, use of, or presence on the premises of any private

15080 club.

15081 (9) An employee of a club, while on duty, may not:

15082 (a) consume an alcoholic beverage;

15083 (b) be intoxicated; or

15084 (c) act as a host for a guest.

15085 (10) (a) Each private club shall maintain an expense ledger or record showing in detail

15086 all expenditures separated by payments for:

15087 (i) malt or brewed beverages;

15088 (ii) liquor;

15089 (iii) food;

15090 (iv) detailed payroll;

15091 (v) entertainment;

15092 (vi) rent;

15093 (vii) utilities;

- 15094 (viii) supplies; and
- 15095 (ix) all other expenditures.
- 15096 (b) The record required by this Subsection (10) shall be:
- 15097 (i) kept in a form approved by the department; and
- 15098 (ii) balanced each month.
- 15099 (c) Each expenditure shall be supported by:
- 15100 (i) delivery tickets;
- 15101 (ii) invoices;
- 15102 (iii) receipted bills;
- 15103 (iv) canceled checks;
- 15104 (v) petty cash vouchers; or
- 15105 (vi) other sustaining data or memoranda.
- 15106 (d) All invoices and receipted bills for the current calendar or fiscal year documenting
- 15107 purchases made by the club shall also be maintained.
- 15108 (11) (a) Each private club shall maintain a minute book that is posted currently by the
- 15109 club.
- 15110 (b) The minute book required by this Subsection (11) shall contain the minutes of all
- 15111 regular and special meetings of the governing body.
- 15112 (c) Membership lists shall also be maintained.
- 15113 (12) (a) Each private club shall maintain current copies of the club's current bylaws and
- 15114 current house rules.
- 15115 (b) Changes in the bylaws or house rules:
- 15116 (i) are not effective unless submitted to the department within ten days after adoption;
- 15117 and
- 15118 (ii) become effective 15 days after received by the department unless rejected by the
- 15119 department before the expiration of the 15-day period.
- 15120 (13) Each private club shall maintain accounting and other records and documents as
- 15121 the department may require.

15122 (14) Any club or person acting for the club, who knowingly forges, falsifies, alters,
15123 cancels, destroys, conceals, or removes the entries in any of the books of account or other
15124 documents of the club required to be made, maintained, or preserved by this title or the rules of
15125 the commission for the purpose of deceiving the commission or the department, or any of their
15126 officials or employees, is subject to:

- 15127 (a) the suspension or revocation of the club's license; and
- 15128 (b) possible criminal prosecution under Chapter 12, Criminal Offenses.

15129 (15) (a) Each private club shall maintain and keep all the records required by this
15130 section and all other books, records, receipts, and disbursements maintained or used by the
15131 licensee, as the department requires, for a minimum period of three years.

15132 (b) All records, books, receipts, and disbursements are subject to inspection by
15133 authorized representatives of the commission and the department.

15134 (c) The club shall allow the department, through its auditors or examiners, to audit all
15135 records of the club at times the department considers advisable.

15136 (d) The department shall audit the records of the licensee at least once annually.

15137 (16) Each private club shall own or lease premises suitable for the club's activities.

15138 (17) (a) A private club may not maintain facilities in any manner that barricades or
15139 conceals the club operation.

15140 (b) Any member of the commission, authorized department personnel, or any peace
15141 officer shall, upon presentation of credentials, be admitted immediately to the club and
15142 permitted without hindrance or delay to inspect completely the entire club premises and all
15143 books and records of the licensee, at any time during which the same are open for the
15144 transaction of business to its members.

15145 (18) Any public advertising related to a private club by the following shall clearly
15146 identify a club as being "a private club for members":

- 15147 (a) the private club;
- 15148 (b) the employees or agents of the private club; or
- 15149 (c) any person under a contract or agreement with the club.

15150 (19) A private club must have food available at all times when alcoholic beverages are
15151 sold, served, or consumed on the premises.

15152 (20) (a) Liquor may not be purchased by a private club licensee except from state stores
15153 or package agencies.

15154 (b) Liquor purchased in accordance with Subsection (20)(a) may be transported by the
15155 licensee from the place of purchase to the licensed premises.

15156 (c) Payment for liquor shall be made in accordance with rules established by the
15157 commission.

15158 (21) A private club licensee may sell or provide any primary spirituous liquor only in a
15159 quantity not to exceed one ounce per beverage dispensed through a calibrated metered
15160 dispensing system approved by the department in accordance with commission rules adopted
15161 under this title, except that:

15162 (a) spirituous liquor need not be dispensed through a calibrated metered dispensing
15163 system if used as a secondary flavoring ingredient in a beverage subject to the following
15164 restrictions:

15165 (i) the secondary ingredient may be dispensed only in conjunction with the purchase of
15166 a primary spirituous liquor;

15167 (ii) the secondary ingredient is not the only spirituous liquor in the beverage;

15168 (iii) the private club licensee shall designate a location where flavorings are stored on
15169 the floor plan provided to the department; and

15170 (iv) all flavoring containers shall be plainly and conspicuously labeled "flavorings";

15171 (b) spirituous liquor need not be dispensed through a calibrated metered dispensing
15172 system if used:

15173 (i) as a flavoring on desserts; and

15174 (ii) in the preparation of flaming food dishes, drinks, and desserts; and

15175 (c) each club patron may have no more than 2.75 ounces of spirituous liquor at a time
15176 before the patron.

15177 (22) (a) (i) Wine may be sold and served by the glass or an individual portion not to

15178 exceed five ounces per glass or individual portion.

15179 (ii) An individual portion may be served to a patron in more than one glass as long as
15180 the total amount of wine does not exceed five ounces.

15181 (iii) An individual portion of wine is considered to be one alcoholic beverage under
15182 Subsection (26)(c).

15183 (b) (i) Wine may be sold and served in containers not exceeding 1.5 liters at prices
15184 fixed by the commission to tables of four or more persons.

15185 (ii) Wine may be sold and served in containers not exceeding 750 ml at prices fixed by
15186 the commission to tables of less than four persons.

15187 (c) A wine service may be performed and a service charge assessed by the private club
15188 as authorized by commission rule for wine purchased at the private club.

15189 (23) (a) Heavy beer may be served in original containers not exceeding one liter at
15190 prices fixed by the commission.

15191 (b) A service charge may be assessed by the private club for heavy beer purchased at
15192 the private club.

15193 (24) (a) (i) Subject to Subsection (24)(a)(ii), a private club licensed to sell liquor may
15194 sell beer for on-premise consumption:

15195 (A) in an open container; and
15196 (B) on draft.

15197 (ii) Beer sold pursuant to Subsection (24)(a)(i) shall be in a size of container that does
15198 not exceed two liters, except that beer may not be sold to an individual patron in a size of
15199 container that exceeds one liter.

15200 (b) (i) A private club licensed under this chapter that sells beer pursuant to Subsection
15201 (24)(a):

15202 (A) may do so without obtaining a separate on-premise beer retailer license from the
15203 commission; and
15204 (B) shall comply with all appropriate operational restrictions under Chapter 10, Beer
15205 Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are

15206 inconsistent with or less restrictive than the operational restrictions under this chapter.

15207 (ii) Failure to comply with the operational restrictions under Chapter 10, Beer Retailer
15208 Licenses, required by Subsection (24)(b)(i) may result in a suspension or revocation of the
15209 private club's:

15210 (A) state liquor license; and

15211 (B) alcoholic beverage license issued by the local authority.

15212 (25) Alcoholic beverages may not be stored, served, or sold in any place other than as
15213 designated in the licensee's application, unless the licensee first applies for and receives
15214 approval from the department for a change of location within the private club.

15215 (26) (a) A patron may only make alcoholic beverage purchases in the private club from
15216 and be served by a person employed, designated, and trained by the licensee to sell, dispense,
15217 and serve alcoholic beverages.

15218 (b) Notwithstanding Subsection (26)(a), a patron who has purchased bottled wine from
15219 an employee of the private club or has carried bottled wine onto the premises of the private
15220 club pursuant to Subsection (32) may thereafter serve wine from the bottle to the patron or
15221 others at the patron's table.

15222 (c) Each club patron may have no more than two alcoholic beverages of any kind at a
15223 time before the patron.

15224 (27) The liquor storage area shall remain locked at all times other than those hours and
15225 days when liquor sales and service are authorized by law.

15226 (28) (a) Liquor may not be sold, offered for sale, served, or otherwise furnished at a
15227 private club during the following days or hours:

15228 (i) until after the polls are closed on the day of any:

15229 (A) regular general election;

15230 (B) regular primary election; or

15231 (C) statewide special election;

15232 (ii) until after the polls are closed on the day of any municipal, [~~special~~] local district,
15233 special service district, or school election, but only:

- 15234 (A) within the boundaries of the municipality, [~~special~~] local district, special service
15235 district, or school district; and
- 15236 (B) if required by local ordinance; and
- 15237 (iii) on any other day after 1 a.m. and before 10 a.m.
- 15238 (b) The hours of beer sales and service are those specified in Chapter 10, Beer Retailer
15239 Licenses, for on-premise beer licenses.
- 15240 (c) (i) Notwithstanding Subsections (28)(a) and (b), a private club shall remain open
15241 for one hour after the private club ceases the sale and service of alcoholic beverages during
15242 which time a patron of the club may finish consuming:
- 15243 (A) any single drink containing spirituous liquor;
- 15244 (B) a single serving of wine not exceeding five ounces;
- 15245 (C) a single serving of heavy beer; or
- 15246 (D) a single serving of beer not exceeding 26 ounces.
- 15247 (ii) A club is not required to remain open:
- 15248 (A) after all patrons have vacated the premises; or
- 15249 (B) during an emergency.
- 15250 (d) Between the hours of 2 a.m. and 10 a.m. on any day a private club may not allow a
15251 patron to remain on the premises to consume alcoholic beverages on the premises.
- 15252 (29) Alcoholic beverages may not be sold, served, or otherwise furnished to any:
- 15253 (a) minor;
- 15254 (b) person actually, apparently, or obviously intoxicated;
- 15255 (c) known habitual drunkard; or
- 15256 (d) known interdicted person.
- 15257 (30) (a) (i) Liquor may be sold only at prices fixed by the commission.
- 15258 (ii) Liquor may not be sold at discount prices on any date or at any time.
- 15259 (b) Alcoholic beverages may not be sold at less than the cost of the alcoholic beverage
15260 to the licensee.
- 15261 (c) An alcoholic beverage may not be sold at a special or reduced price that encourages

15262 over consumption or intoxication.

15263 (d) The price of a single serving of a primary spirituous liquor shall be the same
15264 whether served as a single drink or in conjunction with another alcoholic beverage.

15265 (e) An alcoholic beverage may not be sold at a special or reduced price for only certain
15266 hours of the private club's business day such as a "happy hour."

15267 (f) The sale or service of more than one alcoholic beverage for the price of a single
15268 alcoholic beverage is prohibited.

15269 (g) The sale or service of an indefinite or unlimited number of alcoholic beverages
15270 during any set period for a fixed price is prohibited.

15271 (h) A private club licensee may not engage in a promotion involving or offering free
15272 alcoholic beverages to patrons of the club.

15273 (31) Alcoholic beverages may not be purchased for a patron of the private club by:

15274 (a) the licensee; or

15275 (b) any employee or agent of the licensee.

15276 (32) (a) A person may not bring onto the premises of a private club licensee any
15277 alcoholic beverage for on-premise consumption, except a person may bring, subject to the
15278 discretion of the licensee, bottled wine onto the premises of any private club licensee for
15279 on-premise consumption.

15280 (b) Except bottled wine under Subsection (32)(a), a private club or its officers,
15281 managers, employees, or agents may not allow:

15282 (i) a person to bring onto the private club premises any alcoholic beverage for
15283 consumption on the private club premises; or

15284 (ii) consumption of alcoholic beverages described in Subsection (32)(b)(i) on the
15285 premises of the private club.

15286 (c) If bottled wine is carried in by a patron, the patron shall deliver the wine to a server
15287 or other representative of the licensee upon entering the private club.

15288 (d) A wine service may be performed and a service charge assessed by the private club
15289 as authorized by commission rule for wine carried in by a patron.

15290 (33) (a) Except as provided in Subsection (33)(b), a private club and its employees may
15291 not permit a patron of the club to carry from the club premises an open container that:

15292 (i) is used primarily for drinking purposes; and

15293 (ii) contains any alcoholic beverage.

15294 (b) A patron may remove the unconsumed contents of a bottle of wine if before
15295 removal the bottle has been recorked or recapped.

15296 (34) (a) A minor may not be employed by any class A, B, or C private club to sell,
15297 dispense, or handle any alcoholic beverage.

15298 (b) Notwithstanding Subsection (34)(a), a minor may be employed by a class A or C
15299 private club to enter the sale at a cash register or other sales recording device.

15300 (c) Except to the extent authorized in Subsection (8)(c), a minor may not be employed
15301 by or be on the premises of any class D private club.

15302 (d) A minor may not be employed to work in any lounge or bar area of any class A, B,
15303 or C private club.

15304 (35) An employee of a private club, while on duty, may not:

15305 (a) consume an alcoholic beverage; or

15306 (b) be intoxicated.

15307 (36) (a) A private club may not charge for the service or supply of glasses, ice, or
15308 mixers unless:

15309 (i) the charges are fixed in the house rules of the club; and

15310 (ii) a copy of the house rules is kept on the club premises and available at all times for
15311 examination by patrons of the club.

15312 (b) A charge or fee made in connection with the sale, service, or consumption of liquor
15313 may be stated in food or alcoholic beverage menus including:

15314 (i) a set-up charge;

15315 (ii) a service charge; or

15316 (iii) a chilling fee.

15317 (37) Each private club licensee shall display in a prominent place in the private club:

- 15318 (a) the private club license that is issued by the department;
- 15319 (b) a list of the types and brand names of liquor being served through its calibrated
15320 metered dispensing system; and
- 15321 (c) a sign in large letters stating: "Warning: Driving under the influence of alcohol or
15322 drugs is a serious crime that is prosecuted aggressively in Utah."
- 15323 (38) The following acts or conduct in a private club licensed under this chapter are
15324 considered contrary to the public welfare and morals, and are prohibited upon the premises:
- 15325 (a) employing or using any person in the sale or service of alcoholic beverages while
15326 the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the
15327 female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the
15328 buttocks, vulva, or genitals;
- 15329 (b) employing or using the services of any person to mingle with the patrons while the
15330 person is unclothed or in attire, costume, or clothing described in Subsection (38)(a);
- 15331 (c) encouraging or permitting any person to touch, caress, or fondle the breasts,
15332 buttocks, anus, or genitals of any other person;
- 15333 (d) permitting any employee or person to wear or use any device or covering, exposed
15334 to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;
- 15335 (e) permitting any person to use artificial devices or inanimate objects to depict any of
15336 the prohibited activities described in this Subsection (38);
- 15337 (f) permitting any person to remain in or upon the premises who exposes to public
15338 view any portion of his or her genitals or anus; or
- 15339 (g) showing films, still pictures, electronic reproductions, or other visual reproductions
15340 depicting:
- 15341 (i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral
15342 copulation, flagellation, or any sexual acts prohibited by Utah law;
- 15343 (ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or
15344 genitals;
- 15345 (iii) scenes wherein artificial devices or inanimate objects are used to depict, or

15346 drawings are used to portray, any of the prohibited activities described in this Subsection (38);
15347 or

15348 (iv) scenes wherein a person displays the vulva or the anus or the genitals.

15349 (39) Nothing in Subsection (38) precludes a local authority from being more restrictive
15350 of acts or conduct of the type prohibited in Subsection (38).

15351 (40) (a) Although live entertainment is permitted on the premises of a club liquor
15352 licensee, a licensee may not allow any person to perform or simulate sexual acts prohibited by
15353 Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral copulation,
15354 flagellation, or the touching, caressing, or fondling of the breast, buttocks, anus, or genitals, or
15355 the displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform only upon
15356 a stage or at a designated area approved by the commission.

15357 (b) Nothing in Subsection (40)(a) precludes a local authority from being more
15358 restrictive of acts or conduct of the type prohibited in Subsection (40)(a).

15359 (41) A private club may not engage in or permit any form of gambling, or have any
15360 video gaming device, as defined and proscribed in Title 76, Chapter 10, Part 11, Gambling, on
15361 the premises of the private club.

15362 (42) (a) A private club may not close or cease operation for a period longer than 240
15363 hours, unless:

15364 (i) the private club licensee notifies the department in writing at least seven days before
15365 the closing; and

15366 (ii) the closure or cessation of operation is first approved by the department.

15367 (b) Notwithstanding Subsection (42)(a), in the case of emergency closure, immediate
15368 notice of closure shall be made to the department by telephone.

15369 (c) The department may authorize a closure or cessation of operation for a period not to
15370 exceed 60 days. The department may extend the initial period an additional 30 days upon
15371 written request of the private club and upon a showing of good cause. A closure or cessation of
15372 operation may not exceed a total of 90 days without commission approval.

15373 (d) The notice required by Subsection (42)(a) shall include:

- 15374 (i) the dates of closure or cessation of operation;
- 15375 (ii) the reason for the closure or cessation of operation; and
- 15376 (iii) the date on which the licensee will reopen or resume operation.

15377 (e) Failure of the licensee to provide notice and to obtain department authorization
 15378 prior to closure or cessation of operation shall result in an automatic forfeiture of:

- 15379 (i) the license; and
- 15380 (ii) the unused portion of the license fee for the remainder of the license year effective
 15381 immediately.

15382 (f) Failure of the licensee to reopen or resume operation by the approved date shall
 15383 result in an automatic forfeiture of:

- 15384 (i) the license; and
- 15385 (ii) the unused portion of the club's license fee for the remainder of the license year.

15386 (43) A private club license may not be transferred from one location to another,
 15387 without prior written approval of the commission.

15388 (44) (a) A private club licensee, may not sell, transfer, assign, exchange, barter, give, or
 15389 attempt in any way to dispose of the license to any other person, whether for monetary gain or
 15390 not.

15391 (b) A private club license has no monetary value for the purpose of any type of
 15392 disposition.

15393 Section 400. Section **34-30-14** is amended to read:

15394 **34-30-14. Public works -- Wages.**

15395 (1) For purposes of this section:

15396 (a) "Political subdivision" means a county, city, town, school district, ~~[special]~~ local
 15397 district, special service district, public corporation, institution of higher education of the state,
 15398 public agency of any political subdivision, or other entity that expends public funds for
 15399 construction, maintenance, repair or improvement of public works.

15400 (b) "Public works" or "public works project" means a building, road, street, sewer,
 15401 storm drain, water system, irrigation system, reclamation project, or other facility owned or to

15402 be contracted for by the state or a political subdivision, and that is to be paid for in whole or in
15403 part with tax revenue paid by residents of the state.

15404 (2) (a) Except as provided in Subsection (2)(b) or as required by federal or state law,
15405 the state or any political subdivision that contracts for the construction, maintenance, repair, or
15406 improvement of public works may not require that a contractor, subcontractor, or material
15407 supplier or carrier engaged in the construction, maintenance, repair, or improvement of public
15408 works pay its employees:

15409 (i) a predetermined amount of wages or wage rate; or

15410 (ii) a type, amount, or rate of employee benefits.

15411 (b) Subsection (2)(a) does not apply when federal law requires the payment of
15412 prevailing or minimum wages to persons working on projects funded in whole or in part by
15413 federal funds.

15414 (3) The state or any political subdivision that contracts for the construction,
15415 maintenance, repair, or improvement of public works may not require that a contractor,
15416 subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair
15417 or improvement of public works execute or otherwise become a party to any project labor
15418 agreement, collective bargaining agreement, prehire agreement, or any other agreement with
15419 employees, their representatives, or any labor organization as a condition of bidding,
15420 negotiating, being awarded, or performing work on a public works project.

15421 (4) This section applies to any contract executed after May 1, 1995.

15422 Section 401. Section **34-32-1.1** is amended to read:

15423 **34-32-1.1. Prohibiting public employers from making payroll deductions for**
15424 **political purposes.**

15425 (1) As used in this section:

15426 (a) (i) "Labor organization" means a lawful organization of any kind that is composed,
15427 in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing
15428 with employers concerning grievances, labor disputes, wages, rates of pay, hours of
15429 employment, or other terms and conditions of employment.

15430 (ii) Except as provided in Subsection (1)(b)(iii), "labor organization" includes each
15431 employee association and union for public employees.

15432 (iii) "Labor organization" does not include organizations governed by the National
15433 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151
15434 et seq.

15435 (b) "Political purposes" means an act done with the intent or in a way to influence or
15436 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
15437 against any candidate for public office at any caucus, political convention, primary, or election.

15438 (c) "Public employee" means a person employed by:

15439 (i) the state of Utah or any administrative subunit of the state;

15440 (ii) a state institution of higher education; or

15441 (iii) a municipal corporation, a county, a municipality, a school district, a [~~special~~]
15442 local district, a special service district, or any other political subdivision of the state.

15443 (d) "Public employer" means an employer that is:

15444 (i) the state of Utah or any administrative subunit of the state;

15445 (ii) a state institution of higher education; or

15446 (iii) a municipal corporation, a county, a municipality, a school district, a [~~special~~]
15447 local district, a special service district, or any other political subdivision of the state.

15448 (e) "Union dues" means dues, fees, assessments, or other monies required as a
15449 condition of membership or participation in a labor organization.

15450 (2) A public employer may not deduct from the wages of its employees any amounts to
15451 be paid to:

15452 (a) a candidate as defined in Section 20A-11-101;

15453 (b) a personal campaign committee as defined in Section 20A-11-101;

15454 (c) a political action committee as defined in Section 20A-11-101;

15455 (d) a political issues committee as defined in Section 20A-11-101;

15456 (e) a registered political party as defined in Section 20A-11-101;

15457 (f) a political fund as defined in Section 20A-11-1402; or

15458 (g) any entity established by a labor organization to solicit, collect, or distribute monies
15459 primarily for political purposes as defined in this chapter.

15460 (3) The attorney general may bring an action to require a public employer to comply
15461 with the requirements of this section.

15462 Section 402. Section **34-41-101** is amended to read:

15463 **34-41-101. Definitions.**

15464 As used in this chapter:

15465 (1) "Drug" means any substance recognized as a drug in the United States
15466 Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug
15467 compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to
15468 any of those compendia.

15469 (2) "Drug testing" means the scientific analysis for the presence of drugs or their
15470 metabolites in the human body in accordance with the definitions and terms of this chapter.

15471 (3) "Local governmental employee" means any person or officer in the service of a
15472 local governmental entity or state institution of higher education for compensation.

15473 (4) (a) "Local governmental entity" means any political subdivision of Utah including
15474 any county, municipality, local school district, [~~special~~] local district, special service district, or
15475 any administrative subdivision of those entities.

15476 (b) "Local governmental entity" does not mean Utah state government or its
15477 administrative subdivisions provided for in Sections 67-19-33 through 67-19-38.

15478 (5) "Periodic testing" means preselected and preannounced drug testing of employees
15479 or volunteers conducted on a regular schedule.

15480 (6) "Prospective employee" means any person who has made a written or oral
15481 application to become an employee of a local governmental entity or a state institution of
15482 higher education.

15483 (7) "Random testing" means the unannounced drug testing of an employee or volunteer
15484 who was selected for testing by using a method uninfluenced by any personal characteristics
15485 other than job category.

15486 (8) "Reasonable suspicion for drug testing" means an articulated belief based on the
15487 recorded specific facts and reasonable inferences drawn from those facts that a local
15488 government employee or volunteer is in violation of the drug-free workplace policy.

15489 (9) "Rehabilitation testing" means unannounced but preselected drug testing done as
15490 part of a program of counseling, education, and treatment of an employee or volunteer in
15491 conjunction with the drug-free workplace policy.

15492 (10) "Safety sensitive position" means any local governmental or state institution of
15493 higher education position involving duties which directly affects the safety of governmental
15494 employees, the general public, or positions where there is access to controlled substances, as
15495 defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of
15496 performing job duties.

15497 (11) "Sample" means urine, blood, breath, saliva, or hair.

15498 (12) "State institution of higher education" means the institution as defined in Section
15499 53B-3-102.

15500 (13) "Volunteer" means any person who donates services as authorized by the local
15501 governmental entity or state institution of higher education without pay or other compensation
15502 except expenses actually and reasonably incurred.

15503 Section 403. Section **36-12-13** is amended to read:

15504 **36-12-13. Office of Legislative Fiscal Analyst established -- Powers, functions,**
15505 **and duties -- Qualifications.**

15506 (1) There is established an Office of Legislative Fiscal Analyst as a permanent staff
15507 office for the Legislature.

15508 (2) The powers, functions, and duties of the Office of Legislative Fiscal Analyst under
15509 the supervision of the fiscal analyst are:

15510 (a) to analyze in detail the executive budget before the convening of each legislative
15511 session and make recommendations to the Legislature on each item or program appearing in
15512 the executive budget;

15513 (b) to prepare cost estimates on all proposed bills that anticipate state government

- 15514 expenditures;
- 15515 (c) to prepare cost estimates on all proposed bills that anticipate expenditures by
- 15516 county, municipal, [~~or special~~] local district, or special service district governments;
- 15517 (d) to prepare cost estimates on all proposed bills that anticipate direct expenditures by
- 15518 any Utah resident, and the cost to the overall impacted Utah resident population;
- 15519 (e) to prepare a review and analysis of revenue estimates for existing and proposed
- 15520 revenue acts;
- 15521 (f) to report instances in which the administration may be failing to carry out the
- 15522 expressed intent of the Legislature;
- 15523 (g) to direct attention to each new proposed service contained in the governor's budget;
- 15524 (h) to direct attention to each budget item previously denied by the Legislature;
- 15525 (i) to propose and analyze statutory changes for more effective operational economies
- 15526 or more effective administration;
- 15527 (j) to prepare, after each session of the Legislature, a summary showing the effect of
- 15528 the final legislative program on the financial condition of the state;
- 15529 (k) to conduct organizational and management improvement studies;
- 15530 (l) to prepare and deliver upon request of any interim committee or the Legislative
- 15531 Management Committee, reports on the finances of the state and on anticipated or proposed
- 15532 requests for appropriations;
- 15533 (m) to recommend areas for research studies by the executive department or the interim
- 15534 committees;
- 15535 (n) to assist in prescribing the format for the presentation of the governor's budget to
- 15536 facilitate program and in-depth review of state expenditures in accordance with Sections
- 15537 63-38-14 and 63-38-15;
- 15538 (o) to recommend to the appropriations subcommittees the agencies or programs for
- 15539 which an in-depth budget review should be requested, and to recommend to the Legislative
- 15540 Management Committee the priority in which the request should be made;
- 15541 (p) to appoint and develop a professional staff within budget limitations; and

15542 (q) to prepare and submit the annual budget request for the office.

15543 (3) The legislative fiscal analyst shall have a master's degree in public administration,
15544 political science, economics, accounting, or the equivalent in academic or practical experience.

15545 (4) In carrying out the duties provided for in this section, the legislative fiscal analyst
15546 may obtain access to all records, documents, and reports necessary to the scope of his duties
15547 according to the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

15548 Section 404. Section **49-11-102** is amended to read:

15549 **49-11-102. Definitions.**

15550 As used in this title:

15551 (1) (a) "Active member" means a member who is employed or who has been employed
15552 by a participating employer within the previous 120 days.

15553 (b) "Active member" does not include retirees.

15554 (2) "Actuarial equivalent" means a benefit of equal value when computed upon the
15555 basis of mortality tables as recommended by the actuary and adopted by the executive director,
15556 including regular interest.

15557 (3) "Actuarial interest rate" means the interest rate as recommended by the actuary and
15558 adopted by the board upon which the funding of system costs and benefits are computed.

15559 (4) "Agency" means:

15560 (a) a department, division, agency, office, authority, commission, board, institution, or
15561 hospital of the state;

15562 (b) a county, municipality, school district, ~~[or special]~~ local district, or special service
15563 district;

15564 (c) a state college or university; or

15565 (d) any other participating employer.

15566 (5) "Allowance" means the pension plus the annuity, including any cost of living or
15567 other authorized adjustments to the pension and annuity.

15568 (6) "Alternate payee" means a member's former spouse or family member eligible to
15569 receive payments under a Domestic Relations Order in compliance with Section 49-11-612.

- 15570 (7) "Annuity" means monthly payments derived from member contributions.
- 15571 (8) "Appointive officer" means an employee appointed to a position for a definite and
15572 fixed term of office by official and duly recorded action of a participating employer whose
15573 appointed position is designated in the participating employer's charter, creation document, or
15574 similar document, and who earns during the first full month of the term of office \$500 or more,
15575 indexed as of January 1, 1990, as provided in Section 49-12-407.
- 15576 (9) "Beneficiary" means any person entitled to receive a payment under this title
15577 through a relationship with or designated by a member, participant, covered individual, or
15578 alternate payee of a defined contribution plan.
- 15579 (10) "Board" means the Utah State Retirement Board established under Section
15580 49-11-202.
- 15581 (11) "Board member" means a person serving on the Utah State Retirement Board as
15582 established under Section 49-11-202.
- 15583 (12) "Contributions" means the total amount paid by the participating employer and the
15584 member into a system or to the Utah Governors' and Legislators' Retirement Plan under
15585 Chapter 19, Utah Governor's and Legislators' Retirement Act.
- 15586 (13) "Council member" means a person serving on the Membership Council
15587 established under Section 49-11-202.
- 15588 (14) "Covered individual" means any individual covered under Chapter 20, Public
15589 Employees' Benefit and Insurance Program Act.
- 15590 (15) "Current service" means covered service as defined in Chapters 12, 13, 14, 15, 16,
15591 17, 18, and 19.
- 15592 (16) "Defined contribution" or "defined contribution plan" means any defined
15593 contribution plan authorized under the Internal Revenue Code and administered by the board.
- 15594 (17) "Educational institution" means a political subdivision or instrumentality of the
15595 state or a combination thereof primarily engaged in educational activities or the administration
15596 or servicing of educational activities, including:
- 15597 (a) the State Board of Education and its instrumentalities;

- 15598 (b) any institution of higher education and its branches;
15599 (c) any school district and its instrumentalities;
15600 (d) any vocational and technical school; and
15601 (e) any entity arising out of a consolidation agreement between entities described under
15602 this Subsection (17).
- 15603 (18) (a) "Employer" means any department, educational institution, or political
15604 subdivision of the state eligible to participate in a government-sponsored retirement system
15605 under federal law.
- 15606 (b) "Employer" may also include an agency financed in whole or in part by public
15607 funds.
- 15608 (19) "Exempt employee" means an employee working for a participating employer:
15609 (a) who is not eligible for service credit under Section 49-12-203, 49-13-203,
15610 49-14-203, 49-15-203, or 49-16-203; and
15611 (b) for whom a participating employer is not required to pay contributions or
15612 nonelective contributions.
- 15613 (20) "Final average monthly salary" means the amount computed by dividing the
15614 compensation received during the final average salary period under each system by the number
15615 of months in the final average salary period.
- 15616 (21) "Fund" means any fund created under this title for the purpose of paying benefits
15617 or costs of administering a system, plan, or program.
- 15618 (22) (a) "Inactive member" means a member who has not been employed by a
15619 participating employer for a period of at least 120 days.
- 15620 (b) "Inactive member" does not include retirees.
- 15621 (23) (a) "Member" means a person, except a retiree, with contributions on deposit with
15622 a system, the Utah Governors' and Legislators' Retirement Plan under Chapter 19, or with a
15623 terminated system.
- 15624 (b) "Member" also includes leased employees within the meaning of Section 414(n)(2)
15625 of the Internal Revenue Code, if the employees have contributions on deposit with the office.

15626 If leased employees constitute less than 20% of the participating employer's work force that is
15627 not highly compensated within the meaning of Section 414(n)(5)(c)(ii), Internal Revenue Code,
15628 "member" does not include leased employees covered by a plan described in Section 414(n)(5)
15629 of the federal Internal Revenue Code.

15630 (24) "Member contributions" means the sum of the contributions paid to a system or
15631 the Utah Governors' and Legislators' Retirement Plan, including refund interest if allowed by a
15632 system, and which are made by:

15633 (a) the member; and

15634 (b) the participating employer on the member's behalf under Section 414(h) of the
15635 Internal Revenue Code.

15636 (25) "Nonelective contribution" means an amount contributed by a participating
15637 employer into a participant's defined contribution account.

15638 (26) "Office" means the Utah State Retirement Office.

15639 (27) "Participant" means an individual with voluntary deferrals or nonelective
15640 contributions on deposit with the defined contribution plans administered under this title.

15641 (28) "Participating employer" means a participating employer, as defined by Chapters
15642 12, 13, 14, 15, 16, 17, and 18, or an agency financed in whole or in part by public funds which
15643 is participating in a system or plan as of January 1, 2002.

15644 (29) "Pension" means monthly payments derived from participating employer
15645 contributions.

15646 (30) "Plan" means the Utah Governors' and Legislators' Retirement Plan created by
15647 Chapter 19 or the defined contribution plans created under Section 49-11-801.

15648 (31) (a) "Political subdivision" means any local government entity, including cities,
15649 towns, counties, and school districts, but only if the subdivision is a juristic entity that is legally
15650 separate and distinct from the state and only if its employees are not by virtue of their
15651 relationship to the entity employees or the state.

15652 (b) "Political subdivision" includes [~~special~~] local districts, special service districts, or
15653 authorities created by the Legislature or by local governments, including the office.

15654 (c) "Political subdivision" does not include a project entity created under Title 11,
15655 Chapter 13, Interlocal Cooperation Act.

15656 (32) "Program" means the Public Employees' Insurance Program created under Chapter
15657 20, Public Employees' Benefit and Insurance Program Act, or the Public Employees'
15658 Long-Term Disability program created under Chapter 21, Public Employees' Long-Term
15659 Disability Act.

15660 (33) "Public funds" means those funds derived, either directly or indirectly, from public
15661 taxes or public revenue, dues or contributions paid or donated by the membership of the
15662 organization, used to finance an activity whose objective is to improve, on a nonprofit basis,
15663 the governmental, educational, and social programs and systems of the state or its political
15664 subdivisions.

15665 (34) "Refund interest" means the amount accrued on member contributions at a rate
15666 adopted by the board.

15667 (35) "Retiree" means an individual who has qualified for an allowance under this title.

15668 (36) "Retirement" means the status of an individual who has become eligible, applies
15669 for, and is entitled to receive an allowance under this title.

15670 (37) "Retirement date" means the date selected by the member on which the member's
15671 retirement becomes effective with the office.

15672 (38) "Service credit" means:

15673 (a) the period during which an employee is employed and compensated by a
15674 participating employer and meets the eligibility requirements for membership in a system or the
15675 Utah Governors' and Legislators' Retirement Plan, provided that any required contributions are
15676 paid to the office; and

15677 (b) periods of time otherwise purchasable under this title.

15678 (39) "System" means the individual retirement systems created by Chapters 12, 13, 14,
15679 15, 16, 17, and 18.

15680 (40) "Voluntary deferrals" means an amount contributed by a participant into that
15681 participant's defined contribution account.

15682 Section 405. Section **51-4-2** is amended to read:
15683 **51-4-2. Deposits by political subdivisions.**
15684 (1) As used in this section:
15685 (a) "Officer" means each:
15686 (i) county treasurer, county auditor, county assessor, county clerk, clerk of the district
15687 court, city treasurer, city clerk, justice court judge; and
15688 (ii) other officer of a political subdivision.
15689 (b) "Political subdivision" means a county, city, town, school district, [~~and special~~]
15690 local district, and special service district.
15691 (2) (a) Each officer shall deposit all public funds daily whenever practicable but not
15692 later than three days after receipt.
15693 (b) Each officer shall deposit all public funds only in qualified depositories unless the
15694 public funds need to be deposited in a bank outside Utah in order to provide for:
15695 (i) payment of maturing bonds or other evidences of indebtedness; or
15696 (ii) payment of the interest on bonds or other evidences of indebtedness.
15697 (3) (a) (i) Each officer shall require all checks to be made payable to the office of the
15698 officer receiving funds or to the political subdivision's treasurer.
15699 (ii) An officer may not accept a check unless it is made payable to the office of the
15700 officer receiving funds or to the political subdivision's treasurer.
15701 (b) Each officer shall deposit all monies he collects into an account controlled by his
15702 political subdivision's treasurer.
15703 (4) (a) Except as provided in Subsection (4)(b) and unless a shorter time for depositing
15704 funds is otherwise required by law, each political subdivision that has collected funds that are
15705 due to the state or to another political subdivision of the state shall, on or before the tenth day
15706 of each month, pay all of those funds that were received during the last month:
15707 (i) to a qualified depository for the credit of the appropriate public treasurer; or
15708 (ii) to the appropriate public treasurer.
15709 (b) Property tax collections shall be apportioned and paid according to Section

15710 59-2-1365.

15711 Section 406. Section **52-4-203** is amended to read:

15712 **52-4-203. Minutes of open meetings -- Public records -- Recording of meetings.**

15713 (1) Except as provided under Subsection (7), written minutes and a recording shall be
15714 kept of all open meetings. The minutes and a recording shall include:

15715 (a) the date, time, and place of the meeting;

15716 (b) the names of members present and absent;

15717 (c) the substance of all matters proposed, discussed, or decided;

15718 (d) a record, by individual member, of votes taken;

15719 (e) the name of each person who provided testimony and the substance in brief of their
15720 testimony; and

15721 (f) any other information that any member requests be entered in the minutes or
15722 recording.

15723 (2) A recording of an open meeting shall be a complete and unedited record of all open
15724 portions of the meeting from the commencement of the meeting through adjournment of the
15725 meeting.

15726 (3) (a) The minutes and recordings of an open meeting are public records and shall be
15727 available within a reasonable time after the meeting.

15728 (b) An open meeting record kept only by a recording must be converted to written
15729 minutes within a reasonable time upon request.

15730 (4) All or any part of an open meeting may be independently recorded by any person in
15731 attendance if the recording does not interfere with the conduct of the meeting.

15732 (5) Minutes or recordings of an open meeting that is required to be retained
15733 permanently shall be maintained in or converted to a format that meets long-term records
15734 storage requirements.

15735 (6) Written minutes and recordings of open meetings are public records under Title 63,
15736 Chapter 2, Government Records Access and Management Act, but written minutes shall be the
15737 official record of action taken at the meeting.

15738 (7) Either written minutes or a recording shall be kept of:

15739 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by
15740 the public body; and

15741 (b) an open meeting of [~~an independent special district as defined under Title 17A,~~
15742 ~~Special Districts, or~~] a local district under Title 17B, [~~Chapter 2, Local Districts;~~] Limited
15743 Purpose Local Government Entities - Local Districts, or special service district under Title
15744 17A, Chapter 2, Part 13, Utah Special Service District Act, if the district's annual budgeted
15745 expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

15746 Section 407. Section **53-3-207** is amended to read:

15747 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
15748 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
15749 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

15750 (1) As used in this section:

15751 (a) "driving privilege" means the privilege granted under this chapter to drive a motor
15752 vehicle;

15753 (b) "driving privilege card" means the evidence of the privilege granted and issued
15754 under this chapter to drive a motor vehicle;

15755 (c) "governmental entity" means the state and its political subdivisions as defined in
15756 this Subsection (1);

15757 (d) "political subdivision" means any county, city, town, school district, public transit
15758 district, [~~redevelopment~~] community development and renewal agency, special improvement or
15759 taxing district, [~~special~~] local district, special service district, an entity created by an interlocal
15760 agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other
15761 governmental subdivision or public corporation; and

15762 (e) "state" means this state, and includes any office, department, agency, authority,
15763 commission, board, institution, hospital, college, university, children's justice center, or other
15764 instrumentality of the state.

15765 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a

15766 license certificate or a driving privilege card indicating the type or class of motor vehicle the
15767 person may drive.

15768 (b) A person may not drive a class of motor vehicle unless granted the privilege in that
15769 class.

15770 (3) (a) Every license certificate or driving privilege card shall bear:

15771 (i) the distinguishing number assigned to the person by the division;

15772 (ii) the name, birth date, and Utah residence address of the person;

15773 (iii) a brief description of the person for the purpose of identification;

15774 (iv) any restrictions imposed on the license under Section 53-3-208;

15775 (v) a photograph of the person;

15776 (vi) a photograph or other facsimile of the person's signature; and

15777 (vii) an indication whether the person intends to make an anatomical gift under Title
15778 26, Chapter 28, Uniform Anatomical Gift Act, unless the driving privilege is extended under
15779 Subsection 53-3-214(3).

15780 (b) A new license certificate issued by the division may not bear the person's Social
15781 Security number.

15782 (c) (i) The license certificate or driving privilege card shall be of an impervious
15783 material, resistant to wear, damage, and alteration.

15784 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the license
15785 certificate or driving privilege card shall be as prescribed by the commissioner.

15786 (iii) The commissioner may also prescribe the issuance of a special type of limited
15787 license certificate or driving privilege card under Subsection 53-3-220(4) and may authorize
15788 the issuance of a renewed or duplicate license certificate or driving privilege card without a
15789 picture if the applicant is not then living in the state.

15790 (4) (a) (i) The division upon determining after an examination that an applicant is
15791 mentally and physically qualified to be granted a driving privilege may issue to an applicant a
15792 receipt for the fee.

15793 (ii) The receipt serves as a temporary license certificate or temporary driving privilege

15794 card allowing the person to drive a motor vehicle while the division is completing its
15795 investigation to determine whether the person is entitled to be granted a driving privilege.

15796 (b) The receipt shall be in the person's immediate possession while driving a motor
15797 vehicle, and it is invalid when the person's license certificate or driving privilege card has been
15798 issued or when, for good cause, the privilege has been refused.

15799 (c) The division shall indicate on the receipt a date after which it is not valid as a
15800 license certificate or driving privilege card.

15801 (5) (a) The division shall distinguish learner permits, temporary permits, license
15802 certificates, and driving privilege cards issued to any person younger than 21 years of age by
15803 use of plainly printed information or the use of a color or other means not used for other license
15804 certificates or driving privilege cards.

15805 (b) The division shall distinguish a license certificate or driving privilege card issued to
15806 any person:

15807 (i) younger than 21 years of age by use of a portrait-style format not used for other
15808 license certificates or driving privilege cards and by plainly printing the date the license
15809 certificate or driving privilege card holder is 21 years of age, which is the legal age for
15810 purchasing an alcoholic beverage or product under Section 32A-12-203; and

15811 (ii) younger than 19 years of age, by plainly printing the date the license certificate or
15812 driving privilege card holder is 19 years of age, which is the legal age for purchasing tobacco
15813 products under Section 76-10-104.

15814 (6) (a) The division shall only issue a driving privilege card to a person whose privilege
15815 was obtained without using a Social Security number as required under Subsection
15816 53-3-205(9).

15817 (b) The division shall distinguish a driving privilege card from a license certificate by:

15818 (i) use of a format, color, font, or other means; and

15819 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
15820 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

15821 (7) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary

15822 permit, or any other temporary permit or receipt issued by the division.

15823 (8) The division shall issue temporary license certificates or temporary driving
15824 privilege cards of the same nature, except as to duration, as the license certificates or driving
15825 privilege cards that they temporarily replace, as are necessary to implement applicable
15826 provisions of this section and Section 53-3-223.

15827 (9) A governmental entity may not accept a driving privilege card as proof of personal
15828 identification.

15829 (10) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

15830 (11) Except as provided under this section, the provisions, requirements, classes,
15831 endorsements, fees, restrictions, and sanctions under this code apply to a:

15832 (a) driving privilege in the same way as a license issued under this chapter; and

15833 (b) driving privilege card in the same way as a license certificate issued under this
15834 chapter.

15835 Section 408. Section **53-7-104** is amended to read:

15836 **53-7-104. Enforcement of rules -- Division of authority and responsibility.**

15837 (1) The authority and responsibility for enforcing rules made under this chapter is
15838 divided as provided in this section.

15839 (2) The fire officers of any city or county shall enforce the rules of the state fire
15840 marshal in their respective areas.

15841 (3) The state fire marshal may enforce the rules in:

15842 (a) areas outside of corporate cities, fire protection districts, and ~~[special]~~ other local
15843 districts or special service districts organized for fire protection purposes; and

15844 (b) state-owned property, school district owned property, and privately owned property
15845 used for schools located within corporate cities and county fire protection districts, asylums,
15846 mental hospitals, hospitals, sanitariums, homes for the aged, residential health-care facilities,
15847 children's homes or institutions, or similar institutional type occupancy of any capacity.

15848 (4) The state fire marshal may enforce the rules in corporate cities, counties, ~~[and]~~ fire
15849 protection districts, and special service districts organized for fire protection purposes upon

15850 receiving a request from the chief fire official or the local governing body.
15851 Section 409. Section **53-10-605** is amended to read:
15852 **53-10-605. Use of money in fund -- Criteria -- Administration.**
15853 (1) Subject to an annual legislative appropriation from the fund to:
15854 (a) the committee, the committee shall:
15855 (i) authorize the use of the money in the fund, by grant to a local entity or state agency
15856 in accordance with this Subsection (1) and Subsection (2);
15857 (ii) grant to state agencies and local entities an amount not to exceed the per month fee
15858 levied on telephone services under Section 69-2-5.6 for installation, implementation, and
15859 maintenance of unified, statewide 911 emergency services and technology; and
15860 (iii) in addition to any money under Subsection (1)(a)(ii), grant to counties of the third
15861 through sixth class the amount dedicated for rural assistance, which is at least 3 cents per
15862 month levied on telephone services under Section 69-2-5.6 to:
15863 (A) enhance the 911 emergency services with a focus on areas or counties that do not
15864 have E-911 services; and
15865 (B) where needed, assist the counties, in cooperation with private industry, with the
15866 creation or integration of wireless systems and location technology in rural areas of the state;
15867 and
15868 (b) the committee, the committee shall:
15869 (i) include reimbursement to a provider of radio communications service, as defined in
15870 Section 69-2-2, for costs as provided in Subsections (1)(b)(ii) and (iii);
15871 (ii) an agreement to reimburse costs to a provider of radio communications services
15872 must be a written agreement among the committee, the local public safety answering point and
15873 the carrier; and
15874 (iii) shall include reimbursement to the provider for the cost of design, development,
15875 and implementation of equipment or software necessary to provide Phase I, wireless E-911
15876 service to public service answering points, provided:
15877 (A) the reimbursement under this Subsection (1)(b) does not exceed the amount

15878 allowed by Subsection 53-10-602(3);

15879 (B) the provider submits an invoice for the reimbursement to the committee; and

15880 (C) the provider has not been reimbursed by the consumer for the costs submitted to
15881 the committee; and

15882 (c) the state's Automated Geographic Reference Center in the Division of Integrated
15883 Technology of the Department of Technology Services, an amount equal to 1 cent per month
15884 levied on telephone services under Section 69-2-5.6 shall be used to enhance and upgrade
15885 statewide digital mapping standards.

15886 (2) (a) Beginning July 1, 2007, the committee may not grant the money in the fund to a
15887 local entity unless the local entity is in compliance with Phase I, wireless E-911 service.

15888 (b) Beginning July 1, 2009, the committee may not grant money in the fund to a local
15889 entity unless the local entity is in compliance with Phase II, wireless E-911 service.

15890 (3) A local entity must deposit any money it receives from the committee into a special
15891 emergency telephone service fund in accordance with Subsection 69-2-5(4).

15892 (4) For purposes of this part, "local entity" means a county, city, town, [~~special~~
15893 ~~district,~~] local district, special service district, or interlocal entity created under Title 11,
15894 Chapter 13, Interlocal Cooperation Act.

15895 Section 410. Section **53-13-103** is amended to read:

15896 **53-13-103. Law enforcement officer.**

15897 (1) (a) "Law enforcement officer" means a sworn and certified peace officer who is an
15898 employee of a law enforcement agency that is part of or administered by the state or any of its
15899 political subdivisions, and whose primary and principal duties consist of the prevention and
15900 detection of crime and the enforcement of criminal statutes or ordinances of this state or any of
15901 its political subdivisions.

15902 (b) "Law enforcement officer" specifically includes the following:

15903 (i) any sheriff or deputy sheriff, chief of police, police officer, or marshal of any
15904 county, city, or town;

15905 (ii) the commissioner of public safety and any member of the Department of Public

15906 Safety certified as a peace officer;

15907 (iii) all persons specified in Sections 23-20-1.5 and 63-11-17.2;

15908 (iv) any police officer employed by any college or university;

15909 (v) investigators for the Motor Vehicle Enforcement Division;

15910 (vi) special agents or investigators employed by the attorney general, district attorneys,

15911 and county attorneys;

15912 (vii) employees of the Department of Natural Resources designated as peace officers by

15913 law;

15914 (viii) school district police officers as designated by the board of education for the

15915 school district;

15916 (ix) the executive director of the Department of Corrections and any correctional

15917 enforcement or investigative officer designated by the executive director and approved by the

15918 commissioner of public safety and certified by the division;

15919 (x) correctional enforcement, investigative, or adult probation and parole officers

15920 employed by the Department of Corrections serving on or before July 1, 1993;

15921 (xi) members of a law enforcement agency established by a private college or

15922 university provided that the college or university has been certified by the commissioner of

15923 public safety according to rules of the Department of Public Safety;

15924 (xii) airport police officers of any airport owned or operated by the state or any of its

15925 political subdivisions; and

15926 (xiii) transit police officers designated under Section [~~17A-2-1062~~] 17B-2a-823.

15927 (2) Law enforcement officers may serve criminal process and arrest violators of any

15928 law of this state and have the right to require aid in executing their lawful duties.

15929 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,

15930 but the authority extends to other counties, cities, or towns only when the officer is acting

15931 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is

15932 employed by the state.

15933 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law

15934 enforcement officers may exercise their peace officer authority to a certain geographic area.

15935 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise his
15936 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act
15937 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the
15938 limited geographic area.

15939 (c) The authority of law enforcement officers employed by the Department of
15940 Corrections is regulated by Title 64, Chapter 13, Department of Corrections -- State Prison.

15941 (4) A law enforcement officer shall, prior to exercising peace officer authority,
15942 satisfactorily complete:

15943 (a) the basic course at a certified law enforcement officer training academy or pass a
15944 certification examination as provided in Section 53-6-206, and be certified; and

15945 (b) annual certified training of at least 40 hours per year as directed by the director of
15946 the division, with the advice and consent of the council.

15947 Section 411. Section **53A-2-123** is amended to read:

15948 **53A-2-123. Notice before preparing or amending a long-range plan or acquiring**
15949 **certain property.**

15950 (1) As used in this section:

15951 (a) "Affected entity" means each county, municipality, [~~independent special district~~
15952 ~~under Title 17A, Chapter 2, Independent Special Districts,~~] local district under Title 17B,
15953 [~~Chapter 2, Local Districts,~~] Limited Purpose Local Government Entities - Local Districts,
15954 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act,
15955 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
15956 and specified public utility:

15957 (i) whose services or facilities are likely to require expansion or significant
15958 modification because of an intended use of land; or

15959 (ii) that has filed with the school district a copy of the general or long-range plan of the
15960 county, municipality, [~~independent special district,~~] local district, special service district,
15961 school district, interlocal cooperation entity, or specified public utility.

15962 (b) "Specified public utility" means an electrical corporation, gas corporation, or
15963 telephone corporation, as those terms are defined in Section 54-2-1.

15964 (2) (a) If a school district located in a county of the first or second class prepares a
15965 long-range plan regarding its facilities proposed for the future or amends an already existing
15966 long-range plan, the school district shall, before preparing a long-range plan or amendments to
15967 an existing long-range plan, provide written notice, as provided in this section, of its intent to
15968 prepare a long-range plan or to amend an existing long-range plan.

15969 (b) Each notice under Subsection (2)(a) shall:

15970 (i) indicate that the school district intends to prepare a long-range plan or to amend a
15971 long-range plan, as the case may be;

15972 (ii) describe or provide a map of the geographic area that will be affected by the
15973 long-range plan or amendments to a long-range plan;

15974 (iii) be sent to:

15975 (A) each county in whose unincorporated area and each municipality in whose
15976 boundaries is located the land on which the proposed long-range plan or amendments to a
15977 long-range plan are expected to indicate that the proposed facilities will be located;

15978 (B) each affected entity;

15979 (C) the Automated Geographic Reference Center created in Section 63F-1-506;

15980 (D) each association of governments, established pursuant to an interlocal agreement
15981 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
15982 described in Subsection (2)(b)(iii)(A) is a member; and

15983 (E) the state planning coordinator appointed under Section 63-38d-202;

15984 (iv) with respect to the notice to counties and municipalities described in Subsection
15985 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to
15986 consider in the process of preparing, adopting, and implementing the long-range plan or
15987 amendments to a long-range plan concerning:

15988 (A) impacts that the use of land proposed in the proposed long-range plan or
15989 amendments to a long-range plan may have on the county, municipality, or affected entity; and

15990 (B) uses of land that the county, municipality, or affected entity is planning or
15991 considering that may conflict with the proposed long-range plan or amendments to a long-range
15992 plan; and

15993 (v) include the address of an Internet website, if the school district has one, and the
15994 name and telephone number of a person where more information can be obtained concerning
15995 the school district's proposed long-range plan or amendments to a long-range plan.

15996 (3) (a) Except as provided in Subsection (3)(d), each school district intending to
15997 acquire real property in a county of the first or second class for the purpose of expanding the
15998 district's infrastructure or other facilities shall provide written notice, as provided in this
15999 Subsection (3), of its intent to acquire the property if the intended use of the property is
16000 contrary to:

16001 (i) the anticipated use of the property under the county or municipality's general plan;
16002 or

16003 (ii) the property's current zoning designation.

16004 (b) Each notice under Subsection (3)(a) shall:

16005 (i) indicate that the school district intends to acquire real property;

16006 (ii) identify the real property; and

16007 (iii) be sent to:

16008 (A) each county in whose unincorporated area and each municipality in whose
16009 boundaries the property is located; and

16010 (B) each affected entity.

16011 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
16012 63-2-304(7).

16013 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district
16014 previously provided notice under Subsection (2) identifying the general location within the
16015 municipality or unincorporated part of the county where the property to be acquired is located.

16016 (ii) If a school district is not required to comply with the notice requirement of
16017 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall

16018 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of
16019 the real property.

16020 Section 412. Section **53B-16-104** is amended to read:

16021 **53B-16-104. Restrictions on higher education entities bidding on architect or**
16022 **engineering services in public procurement projects.**

16023 (1) As used in this section:

16024 (a) "Architect-engineer services" means those professional services within the scope of
16025 the practice of architecture as defined in Section 58-3a-102, or professional engineering as
16026 defined in Section 58-22-102.

16027 (b) "Government entity" means a state agency, an institution of higher education, a
16028 county, a municipality, a local school district, ~~[or a special]~~ a local district, or a special service
16029 district.

16030 (2) When a government entity elects to obtain architect or engineering services by
16031 using a competitive procurement process and has provided public notice of its competitive
16032 procurement process:

16033 (a) a higher education entity, or any part of one, may not submit a proposal in response
16034 to the government entity's competitive procurement process; and

16035 (b) the government entity may not award a contract to perform the architect or
16036 engineering services solicited in the competitive procurement process to a higher education
16037 entity or any part of one.

16038 (3) (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a
16039 higher education entity may, in a private capacity, submit a proposal in response to the
16040 competitive procurement process.

16041 (b) An employee of a higher education entity may not use any supplies, materials, or
16042 other resources owned by, or any persons matriculating at, attending, or employed by, the
16043 higher education entity in:

16044 (i) preparing a response to the competitive procurement process; or

16045 (ii) completing any work, assignment, or contract awarded to the employee resulting

16046 from that competitive procurement process.

16047 Section 413. Section **54-3-28** is amended to read:

16048 **54-3-28. Notice required of certain public utilities before preparing or amending**
16049 **a long-range plan or acquiring certain property.**

16050 (1) As used in this section:

16051 (a) (i) "Affected entity" means each county, municipality, [~~independent special district~~
16052 ~~under Title 17A, Chapter 2, Independent Special Districts;~~] local district under Title 17B,
16053 [~~Chapter 2, Local Districts;~~] Limited Purpose Local Government Entities - Local Districts,
16054 special service district, school district, interlocal cooperation entity established under Title 11,
16055 Chapter 13, Interlocal Cooperation Act, and specified public utility:

16056 (A) whose services or facilities are likely to require expansion or significant
16057 modification because of expected uses of land under a proposed long-range plan or under
16058 proposed amendments to a long-range plan; or

16059 (B) that has filed with the specified public utility a copy of the general or long-range
16060 plan of the county, municipality, [~~independent special district;~~] local district, special service
16061 district, school district, interlocal cooperation entity, or specified public utility.

16062 (ii) "Affected entity" does not include the specified public utility that is required under
16063 Subsection (2) to provide notice.

16064 (b) "Specified public utility" means an electrical corporation, gas corporation, or
16065 telephone corporation, as those terms are defined in Section 54-2-1.

16066 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities
16067 proposed for the future in a county of the first or second class or amends an already existing
16068 long-range plan, the specified public utility shall, before preparing a long-range plan or
16069 amendments to an existing long-range plan, provide written notice, as provided in this section,
16070 of its intent to prepare a long-range plan or to amend an existing long-range plan.

16071 (b) Each notice under Subsection (2) shall:

16072 (i) indicate that the specified public utility intends to prepare a long-range plan or to
16073 amend a long-range plan, as the case may be;

16074 (ii) describe or provide a map of the geographic area that will be affected by the
16075 long-range plan or amendments to a long-range plan;

16076 (iii) be sent to:

16077 (A) each county in whose unincorporated area and each municipality in whose
16078 boundaries is located the land on which the proposed long-range plan or amendments to a
16079 long-range plan are expected to indicate that the proposed facilities will be located;

16080 (B) each affected entity;

16081 (C) the Automated Geographic Reference Center created in Section 63F-1-506;

16082 (D) each association of governments, established pursuant to an interlocal agreement
16083 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
16084 described in Subsection (2)(b)(iii)(A) is a member; and

16085 (E) the state planning coordinator appointed under Section 63-38d-202;

16086 (iv) with respect to the notice to counties and municipalities described in Subsection
16087 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public
16088 utility to consider in the process of preparing, adopting, and implementing the long-range plan
16089 or amendments to a long-range plan concerning:

16090 (A) impacts that the use of land proposed in the proposed long-range plan or
16091 amendments to a long-range plan may have on the county, municipality, or affected entity; and

16092 (B) uses of land that the county, municipality, or affected entity is planning or
16093 considering that may conflict with the proposed long-range plan or amendments to a long-range
16094 plan; and

16095 (v) include the address of an Internet website, if the specified public utility has one, and
16096 the name and telephone number of a person where more information can be obtained
16097 concerning the specified public utility's proposed long-range plan or amendments to a
16098 long-range plan.

16099 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending
16100 to acquire real property in a county of the first or second class for the purpose of expanding its
16101 infrastructure or other facilities used for providing the services that the specified public utility

16102 is authorized to provide shall provide written notice, as provided in this Subsection (3), of its
16103 intent to acquire the property if the intended use of the property is contrary to:

16104 (i) the anticipated use of the property under the county or municipality's general plan;

16105 or

16106 (ii) the property's current zoning designation.

16107 (b) Each notice under Subsection (3)(a) shall:

16108 (i) indicate that the specified public utility intends to acquire real property;

16109 (ii) identify the real property; and

16110 (iii) be sent to:

16111 (A) each county in whose unincorporated area and each municipality in whose

16112 boundaries the property is located; and

16113 (B) each affected entity.

16114 (c) A notice under this Subsection (3) is a protected record as provided in Subsection

16115 63-2-304(7).

16116 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified

16117 public utility previously provided notice under Subsection (2) identifying the general location

16118 within the municipality or unincorporated part of the county where the property to be acquired

16119 is located.

16120 (ii) If a specified public utility is not required to comply with the notice requirement of

16121 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility

16122 shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition

16123 of the real property.

16124 Section 414. Section **54-8c-1** is amended to read:

16125 **54-8c-1. Definitions.**

16126 As used in this chapter:

16127 (1) "Authorized person" means an employee or agent:

16128 (a) of a public utility that:

16129 (i) generates, transmits, or delivers electricity; or

- 16130 (ii) provides and whose work relates to communication services;
- 16131 (b) of an industrial plant whose work relates to the electrical system of the industrial
16132 plant;
- 16133 (c) of a cable television or communication services company, or of a contractor of
16134 cable television or communication services company, if specifically and expressly authorized
16135 by the owner of the poles to make cable television or communication services attachments; or
- 16136 (d) of a state, county, or municipal agency which has or whose work relates to:
- 16137 (i) overhead electrical lines;
- 16138 (ii) overhead lighting systems;
- 16139 (iii) authorized overhead circuit construction;
- 16140 (iv) conductors on poles; or
- 16141 (v) structures of any type.
- 16142 (2) "Business day" means any day other than Saturday, Sunday, or a legal holiday.
- 16143 (3) "High voltage" means voltage in excess of six hundred volts measured between:
- 16144 (a) conductors; or
- 16145 (b) a conductor and the ground.
- 16146 (4) "Overhead line" means all bare or insulated electrical conductors installed above
16147 the ground.
- 16148 (5) "Public utility" means any entity that generates, transmits, or distributes electrical
16149 energy, including any:
- 16150 (a) public utility as defined in Title 54, Chapter 2;
- 16151 (b) municipality as defined in Title 10;
- 16152 (c) agricultural cooperative association as defined in Title 3;
- 16153 (d) [~~county~~] improvement district as defined in [~~Title 17A, Chapter 2, Part 3~~] Section
16154 17B-1-102; or
- 16155 (e) entity created pursuant to Title 11, Chapter 13, Interlocal Cooperation Act.
- 16156 (6) "Responsible party" means any person who contracts to perform, is responsible for
16157 the performance of, or has control over, any function or activity at any location.

16158 Section 415. Section **54-14-103** is amended to read:

16159 **54-14-103. Definitions.**

16160 As used in this chapter:

16161 (1) "Actual excess cost" means the difference in cost between the standard cost of a
16162 facility and the actual cost of the facility, including any necessary right-of-way, as determined
16163 in accordance with Section 54-14-203.

16164 (2) "Board" means the Electrical Facility Review Board.

16165 (3) "Commencement of construction of a facility" includes the ordering of materials
16166 necessary to construct the facility.

16167 (4) "Estimated excess cost" means any material difference in estimated cost between
16168 the costs of a facility, including any necessary right-of-way, if constructed in accordance with
16169 the requirements of a local government and the standard cost of the facility.

16170 (5) "Facility" means a transmission line or a substation.

16171 (6) "Local government" means a city or town as defined in Section 10-1-104 or a
16172 county. If a facility is proposed to be located in more than one local government jurisdiction,
16173 "local government" may refer to one or more of the local governments in whose jurisdiction the
16174 facility is located.

16175 (7) "Pay" includes, in reference to a local government paying the actual excess cost of a
16176 facility, payment by:

16177 (a) a ~~[special]~~ local district ~~[created by the local government]~~ under Title 17B, Limited
16178 Purposed Local Government Entities - Local Districts; [or]

16179 (b) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service
16180 District Act; or

16181 ~~[(b)]~~ (c) a private entity other than the public utility pursuant to a regulation or decision
16182 of the local government.

16183 (8) (a) "Standard cost" means the estimated cost of a facility, including any necessary
16184 right-of-way, if constructed in accordance with:

16185 (i) the public utility's normal practices; and

16186 (ii) zoning, subdivision, and building code regulations of a local government, including
16187 siting, setbacks, screening, and landscaping requirements:

16188 (A) imposed on similar land uses in the same zone; and

16189 (B) that do not impair the ability of the public utility to provide service to its customers
16190 in a safe, reliable, adequate, and efficient manner.

16191 (b) With respect to a transmission line, standard cost is the cost of any overhead line
16192 constructed in accordance with the public utility's normal practices.

16193 (9) (a) "Substation" means a separate space within which electric supply equipment is
16194 located for the purpose of switching, regulating, transforming, or otherwise modifying the
16195 characteristics of electricity, including:

16196 (i) electrical equipment such as transformers, circuit breakers, voltage regulating
16197 equipment, buses, switches, capacitor banks, reactors, protection and control equipment, and
16198 other related equipment;

16199 (ii) the site at which the equipment is located, any foundations, support structures,
16200 buildings, or driveways necessary to locate, operate, and maintain the equipment at the site; and

16201 (iii) the structure intended to restrict access to the equipment to qualified persons.

16202 (b) "Substation" does not include a distribution pole-mounted or pad-mounted
16203 transformer that is used for the final transformation of power to the voltage level utilized by the
16204 customer.

16205 (10) "Transmission line" means an electrical line, including structures, equipment,
16206 plant, or fixtures associated with the electrical line, operated at a nominal voltage of 34,000
16207 volts or above.

16208 Section 416. Section **57-8-27** is amended to read:

16209 **57-8-27. Separate taxation.**

16210 (1) Each unit and its percentage of undivided interest in the common areas and
16211 facilities shall be considered to be a parcel and shall be subject to separate assessment and
16212 taxation by each assessing unit [~~and special~~], local district, and special service district for all
16213 types of taxes authorized by law, including ad valorem levies and special assessments. Neither

16214 the building or buildings, the property, nor any of the common areas and facilities may be
16215 considered a parcel.

16216 (2) In the event any of the interests in real property made subject to this chapter by the
16217 declaration are leasehold interests, if the lease creating these interests is of record in the office
16218 of the county recorder, if the balance of the term remaining under the lease is at least 40 years
16219 at the time the leasehold interest is made subject to this chapter, if units are situated or are to be
16220 situated on or within the real property covered by the lease, and if the lease provides that the
16221 lessee shall pay all taxes and assessments imposed by governmental authority, then until ten
16222 years prior to the date that the leasehold is to expire or until the lease is terminated, whichever
16223 first occurs, all taxes and assessments on the real property covered by the lease shall be levied
16224 against the owner of the lessee's interest. If the owner of the reversion under the lease has
16225 executed the declaration and condominium plat, until ten years prior to the date that the
16226 leasehold is to expire, or until the lease is terminated, whichever first occurs, all taxes and
16227 assessments on the real property covered by the lease shall be separately levied against the unit
16228 owners having an interest in the lease, with each unit owner for taxation purposes being
16229 considered the owner of a parcel consisting of his undivided condominium interest in the fee of
16230 the real property affected by the lease.

16231 (3) No forfeiture or sale of the improvements or the property as a whole for delinquent
16232 real estate taxes, special assessments, or charges shall divest or in anywise affect the title to an
16233 individual unit if the real estate taxes or duly levied share of the assessments and charges on the
16234 individual unit are currently paid.

16235 (4) Any exemption from taxes that may exist on real property or the ownership of the
16236 property may not be denied by virtue of the submission of the property to this chapter.

16237 (5) Timeshare interests and timeshare estates, as defined in Subsection 57-19-2(17),
16238 may not be separately taxed but shall be valued, assessed, and taxed at the unit level. The value
16239 of timeshare interests and timeshare estates, for purposes of ad valorem taxation, shall be
16240 determined by valuing the real property interest associated with the timeshare interest or
16241 timeshare estate, exclusive of the value of any intangible property and rights associated with

16242 the acquisition, operation, ownership, and use of the timeshare interest or timeshare estate,
16243 including the fees and costs associated with the sale of timeshare interests and timeshare estates
16244 that exceed those fees and costs normally incurred in the sale of other similar properties, the
16245 fees and costs associated with the operation, ownership, and use of timeshare interests and
16246 timeshare estates, vacation exchange rights, vacation conveniences and services, club
16247 memberships, and any other intangible rights and benefits available to a timeshare unit owner.
16248 Nothing in this section shall be construed as requiring the assessment of any real property
16249 interest associated with a timeshare interest or timeshare estate at less than its fair market
16250 value. Notice of assessment, delinquency, sale, or any other purpose required by law is
16251 considered sufficient for all purposes if the notice is given to the management committee.

16252 Section 417. Section **59-2-102** is amended to read:

16253 **59-2-102. Definitions.**

16254 As used in this chapter and title:

16255 (1) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of
16256 engaging in dispensing activities directly affecting agriculture or horticulture with an
16257 airworthiness certificate from the Federal Aviation Administration certifying the aircraft or
16258 rotorcraft's use for agricultural and pest control purposes.

16259 (2) "Air charter service" means an air carrier operation which requires the customer to
16260 hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled
16261 trip.

16262 (3) "Air contract service" means an air carrier operation available only to customers
16263 who engage the services of the carrier through a contractual agreement and excess capacity on
16264 any trip and is not available to the public at large.

16265 (4) "Aircraft" is as defined in Section 72-10-102.

16266 (5) "Airline" means any air carrier operating interstate routes on a scheduled basis
16267 which offers to fly passengers or cargo on the basis of available capacity on regularly scheduled
16268 routes.

16269 (6) "Assessment roll" means a permanent record of the assessment of property as

16270 assessed by the county assessor and the commission and may be maintained manually or as a
16271 computerized file as a consolidated record or as multiple records by type, classification, or
16272 categories.

16273 (7) "Certified revenue levy" means a property tax levy that provides the same amount
16274 of ad valorem property tax revenue as was collected for the prior year, plus new growth, but
16275 exclusive of revenue from collections from redemptions, interest, and penalties.

16276 (8) "County-assessed commercial vehicle" means:

16277 (a) any commercial vehicle, trailer, or semitrailer which is not apportioned under
16278 Section 41-1a-301 and is not operated interstate to transport the vehicle owner's goods or
16279 property in furtherance of the owner's commercial enterprise;

16280 (b) any passenger vehicle owned by a business and used by its employees for
16281 transportation as a company car or vanpool vehicle; and

16282 (c) vehicles which are:

16283 (i) especially constructed for towing or wrecking, and which are not otherwise used to
16284 transport goods, merchandise, or people for compensation;

16285 (ii) used or licensed as taxicabs or limousines;

16286 (iii) used as rental passenger cars, travel trailers, or motor homes;

16287 (iv) used or licensed in this state for use as ambulances or hearses;

16288 (v) especially designed and used for garbage and rubbish collection; or

16289 (vi) used exclusively to transport students or their instructors to or from any private,
16290 public, or religious school or school activities.

16291 (9) (a) Except as provided in Subsection (9)(b), for purposes of Section 59-2-801,
16292 "designated tax area" means a tax area created by the overlapping boundaries of only the
16293 following taxing entities:

16294 (i) a county; and

16295 (ii) a school district.

16296 (b) Notwithstanding Subsection (9)(a), "designated tax area" includes a tax area created
16297 by the overlapping boundaries of:

16298 (i) the taxing entities described in Subsection (9)(a); and
16299 (ii) (A) a city or town if the boundaries of the school district under Subsection (9)(a)
16300 and the boundaries of the city or town are identical; or
16301 (B) a special service district if the boundaries of the school district under Subsection
16302 (9)(a) are located entirely within the special service district.
16303 (10) "Eligible judgment" means a final and unappealable judgment or order under
16304 Section 59-2-1330:
16305 (a) that became a final and unappealable judgment or order no more than 14 months
16306 prior to the day on which the notice required by Subsection 59-2-919(4) is required to be
16307 mailed; and
16308 (b) for which a taxing entity's share of the final and unappealable judgment or order is
16309 greater than or equal to the lesser of:
16310 (i) \$5,000; or
16311 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the
16312 previous fiscal year.
16313 (11) (a) "Escaped property" means any property, whether personal, land, or any
16314 improvements to the property, subject to taxation and is:
16315 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed
16316 to the wrong taxpayer by the assessing authority;
16317 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to
16318 comply with the reporting requirements of this chapter; or
16319 (iii) undervalued because of errors made by the assessing authority based upon
16320 incomplete or erroneous information furnished by the taxpayer.
16321 (b) Property which is undervalued because of the use of a different valuation
16322 methodology or because of a different application of the same valuation methodology is not
16323 "escaped property."
16324 (12) "Fair market value" means the amount at which property would change hands
16325 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell

16326 and both having reasonable knowledge of the relevant facts. For purposes of taxation, "fair
16327 market value" shall be determined using the current zoning laws applicable to the property in
16328 question, except in cases where there is a reasonable probability of a change in the zoning laws
16329 affecting that property in the tax year in question and the change would have an appreciable
16330 influence upon the value.

16331 (13) "Farm machinery and equipment," for purposes of the exemption provided under
16332 Section 59-2-1101, means tractors, milking equipment and storage and cooling facilities, feed
16333 handling equipment, irrigation equipment, harvesters, choppers, grain drills and planters, tillage
16334 tools, scales, combines, spreaders, sprayers, haying equipment, and any other machinery or
16335 equipment used primarily for agricultural purposes; but does not include vehicles required to be
16336 registered with the Motor Vehicle Division or vehicles or other equipment used for business
16337 purposes other than farming.

16338 (14) "Geothermal fluid" means water in any form at temperatures greater than 120
16339 degrees centigrade naturally present in a geothermal system.

16340 (15) "Geothermal resource" means:

16341 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade;

16342 and

16343 (b) the energy, in whatever form, including pressure, present in, resulting from, created
16344 by, or which may be extracted from that natural heat, directly or through a material medium.

16345 (16) (a) "Goodwill" means:

16346 (i) acquired goodwill that is reported as goodwill on the books and records:

16347 (A) of a taxpayer; and

16348 (B) that are maintained for financial reporting purposes; or

16349 (ii) the ability of a business to:

16350 (A) generate income that exceeds a normal rate of return on assets; or

16351 (B) obtain an economic or competitive advantage resulting from:

16352 (I) superior management skills;

16353 (II) reputation;

- 16354 (III) customer relationships;
- 16355 (IV) patronage; or
- 16356 (V) a factor similar to Subsections (16)(a)(ii)(B)(I) through (IV).
- 16357 (b) "Goodwill" does not include:
- 16358 (i) the intangible property described in Subsection [~~(19)~~] (20)(a) or (b);
- 16359 (ii) locational attributes of real property, including:
- 16360 (A) zoning;
- 16361 (B) location;
- 16362 (C) view;
- 16363 (D) a geographic feature;
- 16364 (E) an easement;
- 16365 (F) a covenant;
- 16366 (G) proximity to raw materials;
- 16367 (H) the condition of surrounding property; or
- 16368 (I) proximity to markets;
- 16369 (iii) value attributable to the identification of an improvement to real property,
- 16370 including:
- 16371 (A) reputation of the designer, builder, or architect of the improvement;
- 16372 (B) a name given to, or associated with, the improvement; or
- 16373 (C) the historic significance of an improvement; or
- 16374 (iv) the enhancement or assemblage value specifically attributable to the interrelation
- 16375 of the existing tangible property in place working together as a unit.
- 16376 (17) "Governing body" means:
- 16377 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 16378 (b) for a local district under Title 17B, Limited Purpose Local Government Entities -
- 16379 Local Districts, the local district's board of trustees;
- 16380 (c) for a school district, the local board of education; or
- 16381 (d) for a special service district under Title 17A, Chapter 2, Part 13, Utah Special

16382 Service District Act:

16383 (i) the legislative body of the county or municipality that created the special service
16384 district, to the extent that the county or municipal legislative body has not delegated authority
16385 to an administrative control board established under Section 17A-2-1326; or

16386 (ii) the administrative control board, to the extent that the county or municipal
16387 legislative body has delegated authority to an administrative control board established under
16388 Section 17A-2-1326.

16389 [~~17~~] (18) (a) For purposes of Section 59-2-103:

16390 (i) "household" means the association of persons who live in the same dwelling,
16391 sharing its furnishings, facilities, accommodations, and expenses; and

16392 (ii) "household" includes married individuals, who are not legally separated, that have
16393 established domiciles at separate locations within the state.

16394 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
16395 commission may make rules defining the term "domicile."

16396 [~~18~~] (19) (a) Except as provided in Subsection [~~18~~] (19)(c), "improvement" means a
16397 building, structure, fixture, fence, or other item that is permanently attached to land, regardless
16398 of whether the title has been acquired to the land, if:

16399 (i) (A) attachment to land is essential to the operation or use of the item; and

16400 (B) the manner of attachment to land suggests that the item will remain attached to the
16401 land in the same place over the useful life of the item; or

16402 (ii) removal of the item would:

16403 (A) cause substantial damage to the item; or

16404 (B) require substantial alteration or repair of a structure to which the item is attached.

16405 (b) "Improvement" includes:

16406 (i) an accessory to an item described in Subsection [~~18~~] (19)(a) if the accessory is:

16407 (A) essential to the operation of the item described in Subsection [~~18~~] (19)(a); and

16408 (B) installed solely to serve the operation of the item described in Subsection [~~18~~]

16409 (19)(a); and

- 16410 (ii) an item described in Subsection [~~(18)~~] (19)(a) that:
- 16411 (A) is temporarily detached from the land for repairs; and
- 16412 (B) remains located on the land.
- 16413 (c) Notwithstanding Subsections [~~(18)~~] (19)(a) and (b), "improvement" does not
- 16414 include:
- 16415 (i) an item considered to be personal property pursuant to rules made in accordance
- 16416 with Section 59-2-107;
- 16417 (ii) a moveable item that is attached to land:
- 16418 (A) for stability only; or
- 16419 (B) for an obvious temporary purpose;
- 16420 (iii) (A) manufacturing equipment and machinery; or
- 16421 (B) essential accessories to manufacturing equipment and machinery;
- 16422 (iv) an item attached to the land in a manner that facilitates removal without substantial
- 16423 damage to:
- 16424 (A) the land; or
- 16425 (B) the item; or
- 16426 (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that
- 16427 transportable factory-built housing unit is considered to be personal property under Section
- 16428 59-2-1503.
- 16429 [~~(19)~~] (20) "Intangible property" means:
- 16430 (a) property that is capable of private ownership separate from tangible property,
- 16431 including:
- 16432 (i) moneys;
- 16433 (ii) credits;
- 16434 (iii) bonds;
- 16435 (iv) stocks;
- 16436 (v) representative property;
- 16437 (vi) franchises;

- 16438 (vii) licenses;
- 16439 (viii) trade names;
- 16440 (ix) copyrights; and
- 16441 (x) patents;
- 16442 (b) a low-income housing tax credit; or
- 16443 (c) goodwill.
- 16444 [~~(20)~~] (21) "Low-income housing tax credit" means:
- 16445 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code;
- 16446 or
- 16447 (b) a low-income housing tax credit under:
- 16448 (i) Section 59-7-607; or
- 16449 (ii) Section 59-10-1010.
- 16450 [~~(21)~~] (22) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and
- 16451 uranium.
- 16452 [~~(22)~~] (23) "Mine" means a natural deposit of either metalliferous or nonmetalliferous
- 16453 valuable mineral.
- 16454 [~~(23)~~] (24) "Mining" means the process of producing, extracting, leaching, evaporating,
- 16455 or otherwise removing a mineral from a mine.
- 16456 [~~(24)~~] (25) (a) "Mobile flight equipment" means tangible personal property that is:
- 16457 (i) owned or operated by an:
- 16458 (A) air charter service;
- 16459 (B) air contract service; or
- 16460 (C) airline; and
- 16461 (ii) (A) capable of flight;
- 16462 (B) attached to an aircraft that is capable of flight; or
- 16463 (C) contained in an aircraft that is capable of flight if the tangible personal property is
- 16464 intended to be used:
- 16465 (I) during multiple flights;

16466 (II) during a takeoff, flight, or landing; and
16467 (III) as a service provided by an air charter service, air contract service, or airline.
16468 (b) (i) "Mobile flight equipment" does not include a spare part other than a spare
16469 engine that is rotated:
16470 (A) at regular intervals; and
16471 (B) with an engine that is attached to the aircraft.
16472 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
16473 commission may make rules defining the term "regular intervals."
16474 [~~25~~] (26) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal,
16475 salts, sand, rock, gravel, and all carboniferous materials.
16476 [~~26~~] (27) "Personal property" includes:
16477 (a) every class of property as defined in Subsection [~~27~~] (28) which is the subject of
16478 ownership and not included within the meaning of the terms "real estate" and "improvements";
16479 (b) gas and water mains and pipes laid in roads, streets, or alleys;
16480 (c) bridges and ferries;
16481 (d) livestock which, for the purposes of the exemption provided under Section
16482 59-2-1112, means all domestic animals, honeybees, poultry, fur-bearing animals, and fish; and
16483 (e) outdoor advertising structures as defined in Section 72-7-502.
16484 [~~27~~] (28) (a) "Property" means property that is subject to assessment and taxation
16485 according to its value.
16486 (b) "Property" does not include intangible property as defined in this section.
16487 [~~28~~] (29) "Public utility," for purposes of this chapter, means the operating property
16488 of a railroad, gas corporation, oil or gas transportation or pipeline company, coal slurry pipeline
16489 company, electrical corporation, telephone corporation, sewerage corporation, or heat
16490 corporation where the company performs the service for, or delivers the commodity to, the
16491 public generally or companies serving the public generally, or in the case of a gas corporation
16492 or an electrical corporation, where the gas or electricity is sold or furnished to any member or
16493 consumers within the state for domestic, commercial, or industrial use. Public utility also

16494 means the operating property of any entity or person defined under Section 54-2-1 except water
16495 corporations.

16496 ~~[(29)]~~ (30) "Real estate" or "real property" includes:

16497 (a) the possession of, claim to, ownership of, or right to the possession of land;

16498 (b) all mines, minerals, and quarries in and under the land, all timber belonging to

16499 individuals or corporations growing or being on the lands of this state or the United States, and

16500 all rights and privileges appertaining to these; and

16501 (c) improvements.

16502 ~~[(30)]~~ (31) "Residential property," for the purposes of the reductions and adjustments

16503 under this chapter, means any property used for residential purposes as a primary residence. It

16504 does not include property used for transient residential use or condominiums used in rental

16505 pools.

16506 ~~[(31)]~~ (32) For purposes of Subsection 59-2-801(1)(e), "route miles" means the number

16507 of miles calculated by the commission that is:

16508 (a) measured in a straight line by the commission; and

16509 (b) equal to the distance between a geographical location that begins or ends:

16510 (i) at a boundary of the state; and

16511 (ii) where an aircraft:

16512 (A) takes off; or

16513 (B) lands.

16514 ~~[(32)]~~ (33) (a) "State-assessed commercial vehicle" means:

16515 (i) any commercial vehicle, trailer, or semitrailer which operates interstate or intrastate

16516 to transport passengers, freight, merchandise, or other property for hire; or

16517 (ii) any commercial vehicle, trailer, or semitrailer which operates interstate and

16518 transports the vehicle owner's goods or property in furtherance of the owner's commercial

16519 enterprise.

16520 (b) "State-assessed commercial vehicle" does not include vehicles used for hire which

16521 are specified in Subsection (8)(c) as county-assessed commercial vehicles.

16522 [~~(33)~~] (34) "Taxable value" means fair market value less any applicable reduction
16523 allowed for residential property under Section 59-2-103.

16524 [~~(34)~~] (35) "Tax area" means a geographic area created by the overlapping boundaries
16525 of one or more taxing entities.

16526 [~~(35)~~] (36) "Taxing entity" means any county, city, town, school district, special taxing
16527 district, local district under Title 17B, Limited Purpose Local Government Entities - Local
16528 Districts, or [~~any~~] other political subdivision of the state with the authority to levy a tax on
16529 property.

16530 [~~(36)~~] (37) "Tax roll" means a permanent record of the taxes charged on property, as
16531 extended on the assessment roll and may be maintained on the same record or records as the
16532 assessment roll or may be maintained on a separate record properly indexed to the assessment
16533 roll. It includes tax books, tax lists, and other similar materials.

16534 Section 418. Section **59-2-511** is amended to read:

16535 **59-2-511. Acquisition of land by governmental entity -- Requirements -- Rollback**
16536 **tax -- One-time in lieu fee payment -- Passage of title.**

16537 (1) For purposes of this section, "governmental entity" means:

16538 (a) the United States;

16539 (b) the state;

16540 (c) a political subdivision of the state, including:

16541 (i) a county;

16542 (ii) a city;

16543 (iii) a town;

16544 (iv) a school district; [~~or~~]

16545 (v) a [~~special~~] local district; or

16546 (vi) a special service district; or

16547 (d) an entity created by the state or the United States, including:

16548 (i) an agency;

16549 (ii) a board;

- 16550 (iii) a bureau;
- 16551 (iv) a commission;
- 16552 (v) a committee;
- 16553 (vi) a department;
- 16554 (vii) a division;
- 16555 (viii) an institution;
- 16556 (ix) an instrumentality; or
- 16557 (x) an office.
- 16558 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental
- 16559 entity is subject to the rollback tax imposed by this part if:
- 16560 (i) prior to the governmental entity acquiring the land, the land is assessed under this
- 16561 part; and
- 16562 (ii) after the governmental entity acquires the land, the land does not meet the
- 16563 requirements of Section 59-2-503 for assessment under this part.
- 16564 (b) A person dedicating a public right-of-way to a governmental entity shall pay the
- 16565 rollback tax imposed by this part if:
- 16566 (i) a portion of the public right-of-way is located within a subdivision as defined in
- 16567 Section 10-9a-103; or
- 16568 (ii) in exchange for the dedication, the person dedicating the public right-of-way
- 16569 receives:
- 16570 (A) money; or
- 16571 (B) other consideration.
- 16572 (3) (a) Except as provided in Subsection (4), land acquired by a governmental entity is
- 16573 not subject to the rollback tax imposed by this part, but is subject to a one-time in lieu fee
- 16574 payment as provided in Subsection (3)(b), if:
- 16575 (i) the governmental entity acquires the land by eminent domain;
- 16576 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and
- 16577 (B) the governmental entity provides written notice of the proceedings to the owner; or

16578 (iii) the land is donated to the governmental entity.

16579 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the
16580 governmental entity shall make a one-time in lieu fee payment:

16581 (A) to the county treasurer of the county in which the land is located; and
16582 (B) in an amount equal to the amount of rollback tax calculated under Section
16583 59-2-506.

16584 (ii) If a governmental entity acquires land under Subsection (3)(a)(i) or (3)(a)(ii), the
16585 governmental entity shall make a one-time in lieu fee payment:

16586 (A) to the county treasurer of the county in which the land is located; and
16587 (B) (I) if the land remaining after the acquisition by the governmental entity meets the
16588 requirements of Section 59-2-503, in an amount equal to the rollback tax under Section
16589 59-2-506 on the land acquired by the governmental entity; or
16590 (II) if the land remaining after the acquisition by the governmental entity is less than
16591 five acres, in an amount equal to the rollback tax under Section 59-2-506 on the land acquired
16592 by the governmental entity and the land remaining after the acquisition by the governmental
16593 entity.

16594 (iii) For purposes of Subsection (3)(b)(ii), "land remaining after the acquisition by the
16595 governmental entity" includes other eligible acreage that is used in conjunction with the land
16596 remaining after the acquisition by the governmental entity.

16597 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall distribute
16598 the revenues generated by the payment:

16599 (i) to the taxing entities in which the land is located; and
16600 (ii) in the same proportion as the revenue from real property taxes is distributed.

16601 (4) Except as provided in Section 59-2-506.5, if land acquired by a governmental entity
16602 is made subject to a conservation easement in accordance with Section 59-2-506.5:

16603 (a) the land is not subject to the rollback tax imposed by this part; and
16604 (b) the governmental entity acquiring the land is not required to make an in lieu fee
16605 payment under Subsection (3)(b).

16606 (5) If a governmental entity acquires land subject to assessment under this part, title to
16607 the land may not pass to the governmental entity until the following are paid to the county
16608 treasurer:

- 16609 (a) any tax due under this part;
- 16610 (b) any one-time in lieu fee payment due under this part; and
- 16611 (c) any interest due under this part.

16612 Section 419. Section **59-2-912** is amended to read:

16613 **59-2-912. Time for adoption of levy -- Certification to county auditor.**

16614 (1) The ~~[county legislative]~~ governing body of each taxing entity shall~~[-];~~

16615 (a) before June 22 of each year, adopt a proposed or, if the tax rate is not more than the
16616 certified tax rate, a final tax rate for the taxing entity~~[-. The county legislative body shall]; and~~

16617 (b) report the rate and levy, and submit the statement required under Section 59-2-913
16618 and any other information prescribed by rules of the commission for the preparation, review,
16619 and certification of the rate, to the county auditor of the county in which the taxing entity is
16620 located.

16621 (2) (a) If the ~~[county legislative]~~ governing body of any taxing entity fails to comply
16622 with ~~[this section,]~~ Subsection (1), the ~~[county executive]~~ auditor of the county in which the
16623 taxing entity is located shall notify the taxing entity by certified mail of the deficiency and
16624 forward all available documentation to the commission. ~~[The]~~

16625 (b) Upon receipt of the notice and documentation from the county auditor under
16626 Subsection (2)(a), the commission shall hold a hearing on the matter and certify an appropriate
16627 rate.

16628 Section 420. Section **59-2-924** is amended to read:

16629 **59-2-924. Report of valuation of property to county auditor and commission --**
16630 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified**
16631 **tax rate -- Rulemaking authority -- Adoption of tentative budget.**

16632 (1) (a) Before June 1 of each year, the county assessor of each county shall deliver to
16633 the county auditor and the commission the following statements:

16634 (i) a statement containing the aggregate valuation of all taxable property in each taxing
16635 entity; and

16636 (ii) a statement containing the taxable value of any additional personal property
16637 estimated by the county assessor to be subject to taxation in the current year.

16638 (b) The county auditor shall, on or before June 8, transmit to the governing body of
16639 each taxing entity:

16640 (i) the statements described in Subsections (1)(a)(i) and (ii);

16641 (ii) an estimate of the revenue from personal property;

16642 (iii) the certified tax rate; and

16643 (iv) all forms necessary to submit a tax levy request.

16644 (2) (a) (i) The "certified tax rate" means a tax rate that will provide the same ad
16645 valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the
16646 prior year.

16647 (ii) For purposes of this Subsection (2), "ad valorem property tax revenues" do not
16648 include:

16649 (A) collections from redemptions;

16650 (B) interest; and

16651 (C) penalties.

16652 (iii) (A) Except as provided in Subsection (2)(a)(v), the certified tax rate shall be
16653 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the
16654 taxing entity by the amount calculated under Subsection (2)(a)(iii)(B).

16655 (B) For purposes of Subsection (2)(a)(iii)(A), the legislative body of a taxing entity
16656 shall calculate an amount as follows:

16657 (I) calculate for the taxing entity the difference between:

16658 (Aa) the aggregate taxable value of all property taxed; and

16659 (Bb) any redevelopment adjustments for the current calendar year;

16660 (II) after making the calculation required by Subsection (2)(a)(iii)(B)(I), calculate an
16661 amount determined by increasing or decreasing the amount calculated under Subsection

16662 (2)(a)(iii)(B)(I) by the average of the percentage net change in the value of taxable property for
16663 the equalization period for the three calendar years immediately preceding the current calendar
16664 year;

16665 (III) after making the calculation required by Subsection (2)(a)(iii)(B)(II), calculate the
16666 product of:

16667 (Aa) the amount calculated under Subsection (2)(a)(iii)(B)(II); and

16668 (Bb) the percentage of property taxes collected for the five calendar years immediately
16669 preceding the current calendar year; and

16670 (IV) after making the calculation required by Subsection (2)(a)(iii)(B)(III), calculate an
16671 amount determined by subtracting from the amount calculated under Subsection

16672 (2)(a)(iii)(B)(III) any new growth as defined in this section:

16673 (Aa) within the taxing entity; and

16674 (Bb) for the current calendar year.

16675 (C) For purposes of Subsection (2)(a)(iii)(B)(I), the aggregate taxable value of all
16676 property taxed includes:

16677 (I) the total taxable value of the real and personal property contained on the tax rolls;
16678 and

16679 (II) the taxable value of any additional personal property estimated by the county
16680 assessor to be subject to taxation in the current year.

16681 (D) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
16682 the commission may prescribe rules for calculating redevelopment adjustments for a calendar
16683 year.

16684 (iv) (A) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
16685 Act, the commission shall make rules determining the calculation of ad valorem property tax
16686 revenues budgeted by a taxing entity.

16687 (B) For purposes of Subsection (2)(a)(iv)(A), ad valorem property tax revenues
16688 budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax
16689 revenues are calculated for purposes of Section 59-2-913.

16690 (v) The certified tax rates for the taxing entities described in this Subsection (2)(a)(v)
16691 shall be calculated as follows:

16692 (A) except as provided in Subsection (2)(a)(v)(B), for new taxing entities the certified
16693 tax rate is zero;

16694 (B) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

16695 (I) in a county of the first, second, or third class, the levy imposed for municipal-type
16696 services under Sections 17-34-1 and 17-36-9; and

16697 (II) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
16698 purposes and such other levies imposed solely for the municipal-type services identified in
16699 Section 17-34-1 and Subsection 17-36-3(22); and

16700 (C) for debt service voted on by the public, the certified tax rate shall be the actual levy
16701 imposed by that section, except that the certified tax rates for the following levies shall be
16702 calculated in accordance with Section 59-2-913 and this section:

16703 (I) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,
16704 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

16705 (II) levies to pay for the costs of state legislative mandates or judicial or administrative
16706 orders under Section 59-2-906.3.

16707 (vi) (A) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be
16708 established at that rate which is sufficient to generate only the revenue required to satisfy one or
16709 more eligible judgments, as defined in Section 59-2-102.

16710 (B) The ad valorem property tax revenue generated by the judgment levy shall not be
16711 considered in establishing the taxing entity's aggregate certified tax rate.

16712 (b) (i) For the purpose of calculating the certified tax rate, the county auditor shall use
16713 the taxable value of property on the assessment roll.

16714 (ii) For purposes of Subsection (2)(b)(i), the taxable value of property on the
16715 assessment roll does not include new growth as defined in Subsection (2)(b)(iii).

16716 (iii) "New growth" means:

16717 (A) the difference between the increase in taxable value of the taxing entity from the

16718 previous calendar year to the current year; minus

16719 (B) the amount of an increase in taxable value described in Subsection (2)(b)(iv).

16720 (iv) Subsection (2)(b)(iii)(B) applies to the following increases in taxable value:

16721 (A) the amount of increase to locally assessed real property taxable values resulting

16722 from factoring, reappraisal, or any other adjustments; or

16723 (B) the amount of an increase in the taxable value of property assessed by the

16724 commission under Section 59-2-201 resulting from a change in the method of apportioning the

16725 taxable value prescribed by:

16726 (I) the Legislature;

16727 (II) a court;

16728 (III) the commission in an administrative rule; or

16729 (IV) the commission in an administrative order.

16730 (c) Beginning January 1, 1997, if a taxing entity receives increased revenues from

16731 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,

16732 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter

16733 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax

16734 rate to offset the increased revenues.

16735 (d) (i) Beginning July 1, 1997, if a county has imposed a sales and use tax under

16736 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

16737 (A) decreased on a one-time basis by the amount of the estimated sales and use tax

16738 revenue to be distributed to the county under Subsection 59-12-1102(3); and

16739 (B) increased by the amount necessary to offset the county's reduction in revenue from

16740 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,

16741 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection

16742 (2)(d)(i)(A).

16743 (ii) The commission shall determine estimates of sales and use tax distributions for

16744 purposes of Subsection (2)(d)(i).

16745 (e) Beginning January 1, 1998, if a municipality has imposed an additional resort

16746 communities sales tax under Section 59-12-402, the municipality's certified tax rate shall be
16747 decreased on a one-time basis by the amount necessary to offset the first 12 months of
16748 estimated revenue from the additional resort communities sales and use tax imposed under
16749 Section 59-12-402.

16750 (f) For the calendar year beginning on January 1, 1999, and ending on December 31,
16751 1999, a taxing entity's certified tax rate shall be adjusted by the amount necessary to offset the
16752 adjustment in revenues from uniform fees on tangible personal property under Section
16753 59-2-405.1 as a result of the adjustment in uniform fees on tangible personal property under
16754 Section 59-2-405.1 enacted by the Legislature during the 1998 Annual General Session.

16755 (g) For purposes of Subsections (2)(h) through (j):

16756 (i) "1998 actual collections" means the amount of revenues a taxing entity actually
16757 collected for the calendar year beginning on January 1, 1998, under Section 59-2-405 for:

16758 (A) motor vehicles required to be registered with the state that weigh 12,000 pounds or
16759 less; and

16760 (B) state-assessed commercial vehicles required to be registered with the state that
16761 weigh 12,000 pounds or less.

16762 (ii) "1999 actual collections" means the amount of revenues a taxing entity actually
16763 collected for the calendar year beginning on January 1, 1999, under Section 59-2-405.1.

16764 (h) For the calendar year beginning on January 1, 2000, the commission shall make the
16765 following adjustments:

16766 (i) the commission shall make the adjustment described in Subsection (2)(i)(i) if, for
16767 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were
16768 greater than the sum of:

16769 (A) the taxing entity's 1999 actual collections; and

16770 (B) any adjustments the commission made under Subsection (2)(f);

16771 (ii) the commission shall make the adjustment described in Subsection (2)(i)(ii) if, for
16772 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were
16773 greater than the taxing entity's 1999 actual collections, but the taxing entity's 1998 actual

16774 collections were less than the sum of:

16775 (A) the taxing entity's 1999 actual collections; and

16776 (B) any adjustments the commission made under Subsection (2)(f); and

16777 (iii) the commission shall make the adjustment described in Subsection (2)(i)(iii) if, for

16778 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were

16779 less than the taxing entity's 1999 actual collections.

16780 (i) (i) For purposes of Subsection (2)(h)(i), the commission shall increase a taxing

16781 entity's certified tax rate under this section and a taxing entity's certified revenue levy under

16782 Section 59-2-906.1 by the amount necessary to offset the difference between:

16783 (A) the taxing entity's 1998 actual collections; and

16784 (B) the sum of:

16785 (I) the taxing entity's 1999 actual collections; and

16786 (II) any adjustments the commission made under Subsection (2)(f).

16787 (ii) For purposes of Subsection (2)(h)(ii), the commission shall decrease a taxing

16788 entity's certified tax rate under this section and a taxing entity's certified revenue levy under

16789 Section 59-2-906.1 by the amount necessary to offset the difference between:

16790 (A) the sum of:

16791 (I) the taxing entity's 1999 actual collections; and

16792 (II) any adjustments the commission made under Subsection (2)(f); and

16793 (B) the taxing entity's 1998 actual collections.

16794 (iii) For purposes of Subsection (2)(h)(iii), the commission shall decrease a taxing

16795 entity's certified tax rate under this section and a taxing entity's certified revenue levy under

16796 Section 59-2-906.1 by the amount of any adjustments the commission made under Subsection

16797 (2)(f).

16798 (j) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for

16799 purposes of Subsections (2)(f) through (i), the commission may make rules establishing the

16800 method for determining a taxing entity's 1998 actual collections and 1999 actual collections.

16801 (k) (i) (A) For fiscal year 2000, the certified tax rate of each county required under

16802 Subsection 17-34-1(4)(a) to provide advanced life support and paramedic services to the
16803 unincorporated area of the county shall be decreased by the amount necessary to reduce
16804 revenues in that fiscal year by an amount equal to the difference between the amount the county
16805 budgeted in its 2000 fiscal year budget for advanced life support and paramedic services
16806 countywide and the amount the county spent during fiscal year 2000 for those services,
16807 excluding amounts spent from a municipal services fund for those services.

16808 (B) For fiscal year 2001, the certified tax rate of each county to which Subsection
16809 (2)(k)(i)(A) applies shall be decreased by the amount necessary to reduce revenues in that fiscal
16810 year by the amount that the county spent during fiscal year 2000 for advanced life support and
16811 paramedic services countywide, excluding amounts spent from a municipal services fund for
16812 those services.

16813 (ii) (A) A city or town located within a county of the first class to which Subsection
16814 (2)(k)(i) applies may increase its certified tax rate by the amount necessary to generate within
16815 the city or town the same amount of revenues as the county would collect from that city or
16816 town if the decrease under Subsection (2)(k)(i) did not occur.

16817 (B) An increase under Subsection (2)(k)(ii)(A), whether occurring in a single fiscal
16818 year or spread over multiple fiscal years, is not subject to the notice and hearing requirements
16819 of Sections 59-2-918 and 59-2-919.

16820 (l) (i) The certified tax rate of each county required under Subsection 17-34-1(4)(b) to
16821 provide detective investigative services to the unincorporated area of the county shall be
16822 decreased:

16823 (A) in fiscal year 2001 by the amount necessary to reduce revenues in that fiscal year
16824 by at least \$4,400,000; and

16825 (B) in fiscal year 2002 by the amount necessary to reduce revenues in that fiscal year
16826 by an amount equal to the difference between \$9,258,412 and the amount of the reduction in
16827 revenues under Subsection (2)(l)(i)(A).

16828 (ii) (A) (I) Beginning with municipal fiscal year 2002, a city or town located within a
16829 county to which Subsection (2)(l)(i) applies may increase its certified tax rate to generate

16830 within the city or town the same amount of revenue as the county would have collected during
16831 county fiscal year 2001 from within the city or town except for Subsection (2)(1)(i)(A).

16832 (II) Beginning with municipal fiscal year 2003, a city or town located within a county
16833 to which Subsection (2)(1)(i) applies may increase its certified tax rate to generate within the
16834 city or town the same amount of revenue as the county would have collected during county
16835 fiscal year 2002 from within the city or town except for Subsection (2)(1)(i)(B).

16836 (B) (I) Except as provided in Subsection (2)(1)(ii)(B)(II), an increase in the city or
16837 town's certified tax rate under Subsection (2)(1)(ii)(A), whether occurring in a single fiscal year
16838 or spread over multiple fiscal years, is subject to the notice and hearing requirements of
16839 Sections 59-2-918 and 59-2-919.

16840 (II) For an increase under this Subsection (2)(1)(ii) that generates revenue that does not
16841 exceed the same amount of revenue as the county would have collected except for Subsection
16842 (2)(1)(i), the requirements of Sections 59-2-918 and 59-2-919 do not apply if the city or town:

16843 (Aa) publishes a notice that meets the size, type, placement, and frequency
16844 requirements of Section 59-2-919, reflects that the increase is a shift of a tax from one imposed
16845 by the county to one imposed by the city or town, and explains how the revenues from the tax
16846 increase will be used; and

16847 (Bb) holds a public hearing on the tax shift that may be held in conjunction with the
16848 city or town's regular budget hearing.

16849 (m) (i) This Subsection (2)(m) applies to each county that:

16850 (A) establishes a countywide special service district under Title 17A, Chapter 2, Part
16851 13, Utah Special Service District Act, to provide jail service, as provided in Subsection
16852 17A-2-1304(1)(a)(x); and

16853 (B) levies a property tax on behalf of the special service district under Section
16854 17A-2-1322.

16855 (ii) (A) The certified tax rate of each county to which this Subsection (2)(m) applies
16856 shall be decreased by the amount necessary to reduce county revenues by the same amount of
16857 revenues that will be generated by the property tax imposed on behalf of the special service

16858 district.

16859 (B) Each decrease under Subsection (2)(m)(ii)(A) shall occur contemporaneously with
16860 the levy on behalf of the special service district under Section 17A-2-1322.

16861 (n) (i) As used in this Subsection (2)(n):

16862 (A) "Annexing county" means a county whose unincorporated area is included within a
16863 fire district by annexation.

16864 (B) "Annexing municipality" means a municipality whose area is included within a fire
16865 district by annexation.

16866 (C) "Equalized fire protection tax rate" means the tax rate that results from:

16867 (I) calculating, for each participating county and each participating municipality, the
16868 property tax revenue necessary to cover all of the costs associated with providing fire
16869 protection, paramedic, and emergency services:

16870 (Aa) for a participating county, in the unincorporated area of the county; and

16871 (Bb) for a participating municipality, in the municipality; and

16872 (II) adding all the amounts calculated under Subsection (2)(n)(i)(C)(I) for all
16873 participating counties and all participating municipalities and then dividing that sum by the
16874 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

16875 (Aa) for participating counties, in the unincorporated area of all participating counties;
16876 and

16877 (Bb) for participating municipalities, in all the participating municipalities.

16878 (D) "Fire district" means a ~~[county]~~ service area under Title ~~[17A]~~ 17B, Chapter ~~[2]~~ 2a,
16879 Part ~~[4, County]~~ 9, Service Area Act, in the creation of which an election was not required
16880 under Subsection ~~[17B-2-214]~~ 17B-1-214(3)(c).

16881 (E) "Fire protection tax rate" means:

16882 (I) for an annexing county, the property tax rate that, when applied to taxable property
16883 in the unincorporated area of the county, generates enough property tax revenue to cover all the
16884 costs associated with providing fire protection, paramedic, and emergency services in the
16885 unincorporated area of the county; and

16886 (II) for an annexing municipality, the property tax rate that generates enough property
16887 tax revenue in the municipality to cover all the costs associated with providing fire protection,
16888 paramedic, and emergency services in the municipality.

16889 (F) "Participating county" means a county whose unincorporated area is included
16890 within a fire district at the time of the creation of the fire district.

16891 (G) "Participating municipality" means a municipality whose area is included within a
16892 fire district at the time of the creation of the fire district.

16893 (ii) In the first year following creation of a fire district, the certified tax rate of each
16894 participating county and each participating municipality shall be decreased by the amount of
16895 the equalized fire protection tax rate.

16896 (iii) In the first year following annexation to a fire district, the certified tax rate of each
16897 annexing county and each annexing municipality shall be decreased by the fire protection tax
16898 rate.

16899 (iv) Each tax levied under this section by a fire district shall be considered to be levied
16900 by:

16901 (A) each participating county and each annexing county for purposes of the county's
16902 tax limitation under Section 59-2-908; and

16903 (B) each participating municipality and each annexing municipality for purposes of the
16904 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a
16905 city.

16906 (3) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

16907 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county
16908 auditor of:

16909 (i) its intent to exceed the certified tax rate; and

16910 (ii) the amount by which it proposes to exceed the certified tax rate.

16911 (c) The county auditor shall notify all property owners of any intent to exceed the
16912 certified tax rate in accordance with Subsection 59-2-919(2).

16913 (4) (a) The taxable value for the base year under Subsection 17C-1-102(6) shall be

16914 reduced for any year to the extent necessary to provide a community development and renewal
16915 agency established under Title 17C, Limited Purpose Local Government Entities - Community
16916 Development and Renewal Agencies, with approximately the same amount of money the
16917 agency would have received without a reduction in the county's certified tax rate if:

16918 (i) in that year there is a decrease in the certified tax rate under Subsection (2)(c) or
16919 (2)(d)(i);

16920 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the
16921 previous year; and

16922 (iii) the decrease results in a reduction of the amount to be paid to the agency under
16923 Section 17C-1-403 or 17C-1-404.

16924 (b) The base taxable value under Subsection 17C-1-102(6) shall be increased in any
16925 year to the extent necessary to provide a community development and renewal agency with
16926 approximately the same amount of money as the agency would have received without an
16927 increase in the certified tax rate that year if:

16928 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due to
16929 a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i); and

16930 (ii) The certified tax rate of a city, school district, ~~[or special]~~ local district, or special
16931 district increases independent of the adjustment to the taxable value of the base year.

16932 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c) or
16933 (2)(d)(i), the amount of money allocated and, when collected, paid each year to a community
16934 development and renewal agency established under Title 17C, Limited Purpose Local
16935 Government Entities - Community Development and Renewal Agencies, for the payment of
16936 bonds or other contract indebtedness, but not for administrative costs, may not be less than that
16937 amount would have been without a decrease in the certified tax rate under Subsection (2)(c) or
16938 (2)(d)(i).

16939 Section 421. Section **59-2-1101** is amended to read:

16940 **59-2-1101. Exemption of certain property -- Proportional payments for certain**
16941 **property -- County legislative body authority to adopt rules or ordinances.**

- 16942 (1) For purposes of this section:
- 16943 (a) "exclusive use exemption" means a property tax exemption under Subsection
- 16944 (3)(d), for property owned by a nonprofit entity that is used exclusively for religious, charitable,
- 16945 or educational purposes;
- 16946 (b) "government exemption" means a property tax exemption provided under
- 16947 Subsection (3)(a), (b), or (c); and
- 16948 (c) "tax relief" means an exemption, deferral, or abatement that is authorized by this
- 16949 part.
- 16950 (2) (a) Except as provided in Subsection (2)(b) or (c), tax relief may be allowed only if
- 16951 the claimant is the owner of the property as of January 1 of the year the exemption is claimed.
- 16952 (b) Notwithstanding Subsection (2)(a), a claimant shall collect and pay a proportional
- 16953 tax based upon the length of time that the property was not owned by the claimant if:
- 16954 (i) the claimant is a federal, state, or political subdivision entity described in
- 16955 Subsection (3)(a), (b), or (c); or
- 16956 (ii) pursuant to Subsection (3)(d):
- 16957 (A) the claimant is a nonprofit entity; and
- 16958 (B) the property is used exclusively for religious, charitable, or educational purposes.
- 16959 (c) Notwithstanding Subsection (2)(a), a claimant may be allowed a veteran's
- 16960 exemption in accordance with Sections 59-2-1104 and 59-2-1105 regardless of whether the
- 16961 claimant is the owner of the property as of January 1 of the year the exemption is claimed if the
- 16962 claimant is:
- 16963 (i) the unmarried surviving spouse of:
- 16964 (A) a deceased disabled veteran as defined in Section 59-2-1104; or
- 16965 (B) a veteran who was killed in action or died in the line of duty as defined in Section
- 16966 59-2-1104; or
- 16967 (ii) a minor orphan of:
- 16968 (A) a deceased disabled veteran as defined in Section 59-2-1104; or
- 16969 (B) a veteran who was killed in action or died in the line of duty as defined in Section

- 16970 59-2-1104.
- 16971 (3) The following property is exempt from taxation:
- 16972 (a) property exempt under the laws of the United States;
- 16973 (b) property of:
- 16974 (i) the state;
- 16975 (ii) school districts; and
- 16976 (iii) public libraries;
- 16977 (c) except as provided in Title 11, Chapter 13, Interlocal Cooperation Act, property of:
- 16978 (i) counties;
- 16979 (ii) cities;
- 16980 (iii) towns;
- 16981 (iv) [~~special~~] local districts; [~~and~~]
- 16982 (v) special service districts; and
- 16983 [~~(v)~~] (vi) all other political subdivisions of the state;
- 16984 (d) property owned by a nonprofit entity which is used exclusively for religious,
- 16985 charitable, or educational purposes;
- 16986 (e) places of burial not held or used for private or corporate benefit;
- 16987 (f) farm equipment and machinery;
- 16988 (g) intangible property; and
- 16989 (h) the ownership interest of an out-of-state public agency, as defined in Section
- 16990 11-13-103:
- 16991 (i) if that ownership interest is in property providing additional project capacity, as
- 16992 defined in Section 11-13-103; and
- 16993 (ii) on which a fee in lieu of ad valorem property tax is payable under Section
- 16994 11-13-302.
- 16995 (4) Subject to Subsection (5), if property that is allowed an exclusive use exemption or
- 16996 a government exemption ceases to qualify for the exemption because of a change in the
- 16997 ownership of the property:

16998 (a) the new owner of the property shall pay a proportional tax based upon the period of
16999 time:

17000 (i) beginning on the day that the new owner acquired the property; and

17001 (ii) ending on the last day of the calendar year during which the new owner acquired
17002 the property; and

17003 (b) the new owner of the property and the person from whom the new owner acquires
17004 the property shall notify the county assessor, in writing, of the change in ownership of the
17005 property within 30 days from the day that the new owner acquires the property.

17006 (5) Notwithstanding Subsection (4)(a), the proportional tax described in Subsection
17007 (4)(a):

17008 (a) is subject to any exclusive use exemption or government exemption that the
17009 property is entitled to under the new ownership of the property; and

17010 (b) applies only to property that is acquired after December 31, 2005.

17011 (6) A county legislative body may adopt rules or ordinances to:

17012 (a) effectuate the exemptions, deferrals, abatements, or other relief from taxation
17013 provided in this part; and

17014 (b) designate one or more persons to perform the functions given the county under this
17015 part.

17016 Section 422. Section **59-12-104** is amended to read:

17017 **59-12-104. Exemptions.**

17018 The following sales and uses are exempt from the taxes imposed by this chapter:

17019 (1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax
17020 under Chapter 13, Motor and Special Fuel Tax Act;

17021 (2) sales to the state, its institutions, and its political subdivisions; however, this
17022 exemption does not apply to sales of:

17023 (a) construction materials except:

17024 (i) construction materials purchased by or on behalf of institutions of the public
17025 education system as defined in Utah Constitution Article X, Section 2, provided the

17026 construction materials are clearly identified and segregated and installed or converted to real
17027 property which is owned by institutions of the public education system; and

17028 (ii) construction materials purchased by the state, its institutions, or its political
17029 subdivisions which are installed or converted to real property by employees of the state, its
17030 institutions, or its political subdivisions; or

17031 (b) tangible personal property in connection with the construction, operation,
17032 maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or facilities
17033 providing additional project capacity, as defined in Section 11-13-103;

17034 (3) (a) sales of an item described in Subsection (3)(b) from a vending machine if:

17035 (i) the proceeds of each sale do not exceed \$1; and

17036 (ii) the seller or operator of the vending machine reports an amount equal to 150% of
17037 the cost of the item described in Subsection (3)(b) as goods consumed; and

17038 (b) Subsection (3)(a) applies to:

17039 (i) food and food ingredients; or

17040 (ii) prepared food;

17041 (4) sales of the following to a commercial airline carrier for in-flight consumption:

17042 (a) food and food ingredients;

17043 (b) prepared food; or

17044 (c) services related to Subsection (4)(a) or (b);

17045 (5) sales of parts and equipment for installation in aircraft operated by common carriers
17046 in interstate or foreign commerce;

17047 (6) sales of commercials, motion picture films, prerecorded audio program tapes or
17048 records, and prerecorded video tapes by a producer, distributor, or studio to a motion picture
17049 exhibitor, distributor, or commercial television or radio broadcaster;

17050 (7) (a) subject to Subsection (7)(b), sales of cleaning or washing of tangible personal
17051 property if the cleaning or washing of the tangible personal property is not assisted cleaning or
17052 washing of tangible personal property;

17053 (b) if a seller that sells at the same business location assisted cleaning or washing of

17054 tangible personal property and cleaning or washing of tangible personal property that is not
17055 assisted cleaning or washing of tangible personal property, the exemption described in
17056 Subsection (7)(a) applies if the seller separately accounts for the sales of the assisted cleaning
17057 or washing of the tangible personal property; and

17058 (c) for purposes of Subsection (7)(b) and in accordance with Title 63, Chapter 46a,
17059 Utah Administrative Rulemaking Act, the commission may make rules:

17060 (i) governing the circumstances under which sales are at the same business location;
17061 and

17062 (ii) establishing the procedures and requirements for a seller to separately account for
17063 sales of assisted cleaning or washing of tangible personal property;

17064 (8) sales made to or by religious or charitable institutions in the conduct of their regular
17065 religious or charitable functions and activities, if the requirements of Section 59-12-104.1 are
17066 fulfilled;

17067 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of
17068 this state if the vehicle is both not:

17069 (a) registered in this state; and

17070 (b) used in this state except as necessary to transport the vehicle to the borders of this
17071 state;

17072 (10) (a) amounts paid for an item described in Subsection (10)(b) if:

17073 (i) the item is intended for human use; and

17074 (ii) (A) a prescription was issued for the item; or

17075 (B) the item was purchased by a hospital or other medical facility; and

17076 (b) (i) Subsection (10)(a) applies to:

17077 (A) a drug;

17078 (B) a syringe; or

17079 (C) a stoma supply; and

17080 (ii) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
17081 commission may by rule define the terms:

- 17082 (A) "syringe"; or
- 17083 (B) "stoma supply";
- 17084 (11) sales or use of property, materials, or services used in the construction of or
- 17085 incorporated in pollution control facilities allowed by Sections 19-2-123 through 19-2-127;
- 17086 (12) (a) sales of an item described in Subsection (12)(c) served by:
- 17087 (i) the following if the item described in Subsection (12)(c) is not available to the
- 17088 general public:
- 17089 (A) a church; or
- 17090 (B) a charitable institution;
- 17091 (ii) an institution of higher education if:
- 17092 (A) the item described in Subsection (12)(c) is not available to the general public; or
- 17093 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal plan
- 17094 offered by the institution of higher education; or
- 17095 (b) sales of an item described in Subsection (12)(c) provided for a patient by:
- 17096 (i) a medical facility; or
- 17097 (ii) a nursing facility; and
- 17098 (c) Subsections (12)(a) and (b) apply to:
- 17099 (i) food and food ingredients;
- 17100 (ii) prepared food; or
- 17101 (iii) alcoholic beverages;
- 17102 (13) (a) except as provided in Subsection (13)(b), the sale of tangible personal property
- 17103 by a person:
- 17104 (i) regardless of the number of transactions involving the sale of that tangible personal
- 17105 property by that person; and
- 17106 (ii) not regularly engaged in the business of selling that type of tangible personal
- 17107 property;
- 17108 (b) this Subsection (13) does not apply if:
- 17109 (i) the sale is one of a series of sales of a character to indicate that the person is

17110 regularly engaged in the business of selling that type of tangible personal property;

17111 (ii) the person holds that person out as regularly engaged in the business of selling that

17112 type of tangible personal property;

17113 (iii) the person sells an item of tangible personal property that the person purchased as

17114 a sale that is exempt under Subsection (25); or

17115 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws of

17116 this state in which case the tax is based upon:

17117 (A) the bill of sale or other written evidence of value of the vehicle or vessel being

17118 sold; or

17119 (B) in the absence of a bill of sale or other written evidence of value, the fair market

17120 value of the vehicle or vessel being sold at the time of the sale as determined by the

17121 commission; and

17122 (c) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

17123 commission shall make rules establishing the circumstances under which:

17124 (i) a person is regularly engaged in the business of selling a type of tangible personal

17125 property;

17126 (ii) a sale of tangible personal property is one of a series of sales of a character to

17127 indicate that a person is regularly engaged in the business of selling that type of tangible

17128 personal property; or

17129 (iii) a person holds that person out as regularly engaged in the business of selling a type

17130 of tangible personal property;

17131 (14) (a) except as provided in Subsection (14)(b), amounts paid or charged on or after

17132 July 1, 2006, for a purchase or lease by a manufacturing facility other than a cogeneration

17133 facility, for the following:

17134 (i) machinery and equipment that:

17135 (A) is used:

17136 (I) for a manufacturing facility other than a manufacturing facility that is a scrap

17137 recycler described in Subsection 59-12-102(45)(b):

17138 (Aa) in the manufacturing process; and
17139 (Bb) to manufacture an item sold as tangible personal property; or
17140 (II) for a manufacturing facility that is a scrap recycler described in Subsection
17141 59-12-102(45)(b), to process an item sold as tangible personal property; and
17142 (B) has an economic life of three or more years; and
17143 (ii) normal operating repair or replacement parts that:
17144 (A) have an economic life of three or more years; and
17145 (B) are used:
17146 (I) for a manufacturing facility in the state other than a manufacturing facility that is a
17147 scrap recycler described in Subsection 59-12-102(45)(b), in the manufacturing process; or
17148 (II) for a manufacturing facility in the state that is a scrap recycler described in
17149 Subsection 59-12-102(45)(b), to process an item sold as tangible personal property;
17150 (b) (i) amounts paid or charged on or after July 1, 2005, for a purchase or lease by a
17151 manufacturing facility that is a cogeneration facility placed in service on or after May 1, 2006,
17152 for the following:
17153 (A) machinery and equipment that:
17154 (I) is used:
17155 (Aa) in the manufacturing process; and
17156 (Bb) to manufacture an item sold as tangible personal property; and
17157 (II) has an economic life of three or more years; and
17158 (B) normal operating repair or replacement parts that:
17159 (I) are used in the manufacturing process in a manufacturing facility in the state; and
17160 (II) have an economic life of three or more years; and
17161 (ii) for amounts paid or charged on or after July 1, 2005, but on or before June 30,
17162 2006, for a purchase or lease described in Subsection (14)(b)(i), a cogeneration facility may
17163 claim the exemption allowed by Subsection (14)(b)(i) by filing for a refund:
17164 (A) for sales and use taxes paid under this chapter on the purchase or lease payment;
17165 and

17166 (B) in accordance with Section 59-12-110;

17167 (c) for purposes of this Subsection (14) and in accordance with Title 63, Chapter 46a,

17168 Utah Administrative Rulemaking Act, the commission:

17169 (i) shall by rule define the term "establishment"; and

17170 (ii) may by rule define what constitutes processing an item sold as tangible personal

17171 property; and

17172 (d) on or before October 1, 1991, and every five years after October 1, 1991, the

17173 commission shall:

17174 (i) review the exemptions described in this Subsection (14) and make

17175 recommendations to the Revenue and Taxation Interim Committee concerning whether the

17176 exemptions should be continued, modified, or repealed; and

17177 (ii) include in its report:

17178 (A) the cost of the exemptions;

17179 (B) the purpose and effectiveness of the exemptions; and

17180 (C) the benefits of the exemptions to the state;

17181 (15) (a) sales of the following if the requirements of Subsection (15)(b) are met:

17182 (i) tooling;

17183 (ii) special tooling;

17184 (iii) support equipment;

17185 (iv) special test equipment; or

17186 (v) parts used in the repairs or renovations of tooling or equipment described in

17187 Subsections (15)(a)(i) through (iv); and

17188 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:

17189 (i) the tooling, equipment, or parts are used or consumed exclusively in the

17190 performance of any aerospace or electronics industry contract with the United States

17191 government or any subcontract under that contract; and

17192 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),

17193 title to the tooling, equipment, or parts is vested in the United States government as evidenced

17194 by:

17195 (A) a government identification tag placed on the tooling, equipment, or parts; or

17196 (B) listing on a government-approved property record if placing a government

17197 identification tag on the tooling, equipment, or parts is impractical;

17198 (16) sales of newspapers or newspaper subscriptions;

17199 (17) (a) except as provided in Subsection (17)(b), tangible personal property traded in

17200 as full or part payment of the purchase price, except that for purposes of calculating sales or use

17201 tax upon vehicles not sold by a vehicle dealer, trade-ins are limited to other vehicles only, and

17202 the tax is based upon:

17203 (i) the bill of sale or other written evidence of value of the vehicle being sold and the

17204 vehicle being traded in; or

17205 (ii) in the absence of a bill of sale or other written evidence of value, the then existing

17206 fair market value of the vehicle being sold and the vehicle being traded in, as determined by the

17207 commission; and

17208 (b) notwithstanding Subsection (17)(a), Subsection (17)(a) does not apply to the

17209 following items of tangible personal property traded in as full or part payment of the purchase

17210 price:

17211 (i) money;

17212 (ii) electricity;

17213 (iii) water;

17214 (iv) gas; or

17215 (v) steam;

17216 (18) (a) (i) except as provided in Subsection (18)(b), sales of tangible personal property

17217 used or consumed primarily and directly in farming operations, regardless of whether the

17218 tangible personal property:

17219 (A) becomes part of real estate; or

17220 (B) is installed by a:

17221 (I) farmer;

- 17222 (II) contractor; or
- 17223 (III) subcontractor; or
- 17224 (ii) sales of parts used in the repairs or renovations of tangible personal property if the
- 17225 tangible personal property is exempt under Subsection (18)(a)(i); and
- 17226 (b) notwithstanding Subsection (18)(a), amounts paid or charged for the following
- 17227 tangible personal property are subject to the taxes imposed by this chapter:
- 17228 (i) (A) subject to Subsection (18)(b)(i)(B), the following tangible personal property if
- 17229 the tangible personal property is used in a manner that is incidental to farming:
- 17230 (I) machinery;
- 17231 (II) equipment;
- 17232 (III) materials; or
- 17233 (IV) supplies; and
- 17234 (B) tangible personal property that is considered to be used in a manner that is
- 17235 incidental to farming includes:
- 17236 (I) hand tools; or
- 17237 (II) maintenance and janitorial equipment and supplies;
- 17238 (ii) (A) subject to Subsection (18)(b)(ii)(B), tangible personal property if the tangible
- 17239 personal property is used in an activity other than farming; and
- 17240 (B) tangible personal property that is considered to be used in an activity other than
- 17241 farming includes:
- 17242 (I) office equipment and supplies; or
- 17243 (II) equipment and supplies used in:
- 17244 (Aa) the sale or distribution of farm products;
- 17245 (Bb) research; or
- 17246 (Cc) transportation; or
- 17247 (iii) a vehicle required to be registered by the laws of this state during the period ending
- 17248 two years after the date of the vehicle's purchase;
- 17249 (19) sales of hay;

- 17250 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or
17251 garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or
17252 garden, farm, or other agricultural produce is sold by:
- 17253 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other
17254 agricultural produce;
- 17255 (b) an employee of the producer described in Subsection (20)(a); or
17256 (c) a member of the immediate family of the producer described in Subsection (20)(a);
- 17257 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued
17258 under the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;
- 17259 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,
17260 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,
17261 wholesaler, or retailer for use in packaging tangible personal property to be sold by that
17262 manufacturer, processor, wholesaler, or retailer;
- 17263 (23) property stored in the state for resale;
- 17264 (24) property brought into the state by a nonresident for his or her own personal use or
17265 enjoyment while within the state, except property purchased for use in Utah by a nonresident
17266 living and working in Utah at the time of purchase;
- 17267 (25) property purchased for resale in this state, in the regular course of business, either
17268 in its original form or as an ingredient or component part of a manufactured or compounded
17269 product;
- 17270 (26) property upon which a sales or use tax was paid to some other state, or one of its
17271 subdivisions, except that the state shall be paid any difference between the tax paid and the tax
17272 imposed by this part and Part 2, Local Sales and Use Tax Act, and no adjustment is allowed if
17273 the tax paid was greater than the tax imposed by this part and Part 2, Local Sales and Use Tax
17274 Act;
- 17275 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a
17276 person for use in compounding a service taxable under the subsections;
- 17277 (28) purchases made in accordance with the special supplemental nutrition program for

17278 women, infants, and children established in 42 U.S.C. Sec. 1786;

17279 (29) beginning on July 1, 1999, through June 30, 2014, sales or leases of rolls, rollers,
17280 refractory brick, electric motors, or other replacement parts used in the furnaces, mills, or ovens
17281 of a steel mill described in SIC Code 3312 of the 1987 Standard Industrial Classification
17282 Manual of the federal Executive Office of the President, Office of Management and Budget;

17283 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State
17284 Boating Act, a boat trailer, or an outboard motor if the boat, trailer, or outboard motor is both
17285 not:

17286 (a) registered in this state; and
17287 (b) used in this state except as necessary to transport the boat, boat trailer, or outboard
17288 motor to the borders of this state;

17289 (31) sales of aircraft manufactured in Utah if sold for delivery and use outside Utah
17290 where a sales or use tax is not imposed, even if the title is passed in Utah;

17291 (32) amounts paid for the purchase of telephone service for purposes of providing
17292 telephone service;

17293 (33) sales or leases of vehicles to, or use of vehicles by an authorized carrier;

17294 (34) (a) 45% of the sales price of any new manufactured home; and
17295 (b) 100% of the sales price of any used manufactured home;

17296 (35) sales relating to schools and fundraising sales;

17297 (36) sales or rentals of durable medical equipment if:
17298 (a) a person presents a prescription for the durable medical equipment; and
17299 (b) the durable medical equipment is used for home use only;

17300 (37) (a) sales to a ski resort of electricity to operate a passenger ropeway as defined in
17301 Section 72-11-102; and
17302 (b) the commission shall by rule determine the method for calculating sales exempt
17303 under Subsection (37)(a) that are not separately metered and accounted for in utility billings;

17304 (38) sales to a ski resort of:
17305 (a) snowmaking equipment;

17306 (b) ski slope grooming equipment;

17307 (c) passenger ropeways as defined in Section 72-11-102; or

17308 (d) parts used in the repairs or renovations of equipment or passenger ropeways

17309 described in Subsections (38)(a) through (c);

17310 (39) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use;

17311 (40) (a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for

17312 amusement, entertainment, or recreation an unassisted amusement device as defined in Section

17313 59-12-102;

17314 (b) if a seller that sells or rents at the same business location the right to use or operate

17315 for amusement, entertainment, or recreation one or more unassisted amusement devices and

17316 one or more assisted amusement devices, the exemption described in Subsection (40)(a) applies

17317 if the seller separately accounts for the sales or rentals of the right to use or operate for

17318 amusement, entertainment, or recreation for the assisted amusement devices; and

17319 (c) for purposes of Subsection (40)(b) and in accordance with Title 63, Chapter 46a,

17320 Utah Administrative Rulemaking Act, the commission may make rules:

17321 (i) governing the circumstances under which sales are at the same business location;

17322 and

17323 (ii) establishing the procedures and requirements for a seller to separately account for

17324 the sales or rentals of the right to use or operate for amusement, entertainment, or recreation for

17325 assisted amusement devices;

17326 (41) sales by the state or a political subdivision of the state, except state institutions of

17327 higher education as defined in Section 53B-3-102, of:

17328 (a) photocopies; or

17329 (b) other copies of records held or maintained by the state or a political subdivision of

17330 the state;

17331 (42) amounts paid for admission to an athletic event at an institution of higher

17332 education that is subject to the provisions of Title IX of the Education Amendments of 1972,

17333 20 U.S.C. Sec. 1681 et seq.;

- 17334 (43) sales of telephone service charged to a prepaid telephone calling card;
- 17335 (44) (a) sales of:
- 17336 (i) hearing aids;
- 17337 (ii) hearing aid accessories; or
- 17338 (iii) except as provided in Subsection (44)(b), parts used in the repairs or renovations
- 17339 of hearing aids or hearing aid accessories; and
- 17340 (b) for purposes of this Subsection (44), notwithstanding Subsection (44)(a)(iii),
- 17341 "parts" does not include batteries;
- 17342 (45) (a) sales made to or by:
- 17343 (i) an area agency on aging; or
- 17344 (ii) a senior citizen center owned by a county, city, or town; or
- 17345 (b) sales made by a senior citizen center that contracts with an area agency on aging;
- 17346 (46) sales or leases of semiconductor fabricating, processing, research, or development
- 17347 materials regardless of whether the semiconductor fabricating, processing, research, or
- 17348 development materials:
- 17349 (a) actually come into contact with a semiconductor; or
- 17350 (b) ultimately become incorporated into real property;
- 17351 (47) an amount paid by or charged to a purchaser for accommodations and services
- 17352 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under Section
- 17353 59-12-104.2;
- 17354 (48) beginning on September 1, 2001, the lease or use of a vehicle issued a temporary
- 17355 sports event registration certificate in accordance with Section 41-3-306 for the event period
- 17356 specified on the temporary sports event registration certificate;
- 17357 (49) sales or uses of electricity, if the sales or uses are:
- 17358 (a) made under a tariff adopted by the Public Service Commission of Utah only for
- 17359 purchase of electricity produced from a new wind, geothermal, biomass, or solar power energy
- 17360 source, as designated in the tariff by the Public Service Commission of Utah; and
- 17361 (b) for an amount of electricity that is:

- 17362 (i) unrelated to the amount of electricity used by the person purchasing the electricity
- 17363 under the tariff described in Subsection (49)(a); and
- 17364 (ii) equivalent to the number of kilowatthours specified in the tariff described in
- 17365 Subsection (49)(a) that may be purchased under the tariff described in Subsection (49)(a);
- 17366 (50) sales or rentals of mobility enhancing equipment if a person presents a
- 17367 prescription for the mobility enhancing equipment;
- 17368 (51) sales of water in a:
- 17369 (a) pipe;
- 17370 (b) conduit;
- 17371 (c) ditch; or
- 17372 (d) reservoir;
- 17373 (52) sales of currency or coinage that constitute legal tender of the United States or of a
- 17374 foreign nation;
- 17375 (53) (a) sales of an item described in Subsection (53)(b) if the item:
- 17376 (i) does not constitute legal tender of any nation; and
- 17377 (ii) has a gold, silver, or platinum content of 80% or more; and
- 17378 (b) Subsection (53)(a) applies to a gold, silver, or platinum:
- 17379 (i) ingot;
- 17380 (ii) bar;
- 17381 (iii) medallion; or
- 17382 (iv) decorative coin;
- 17383 (54) amounts paid on a sale-leaseback transaction;
- 17384 (55) sales of a prosthetic device:
- 17385 (a) for use on or in a human;
- 17386 (b) for which a prescription is issued; and
- 17387 (c) to a person that presents a prescription for the prosthetic device;
- 17388 (56) (a) except as provided in Subsection (56)(b), purchases, leases, or rentals of
- 17389 machinery or equipment by an establishment described in Subsection (56)(c) if the machinery

17390 or equipment is primarily used in the production or postproduction of the following media for
17391 commercial distribution:

- 17392 (i) a motion picture;
- 17393 (ii) a television program;
- 17394 (iii) a movie made for television;
- 17395 (iv) a music video;
- 17396 (v) a commercial;
- 17397 (vi) a documentary; or
- 17398 (vii) a medium similar to Subsections (56)(a)(i) through (vi) as determined by the
17399 commission by administrative rule made in accordance with Subsection (56)(d); or

17400 (b) notwithstanding Subsection (56)(a), purchases, leases, or rentals of machinery or
17401 equipment by an establishment described in Subsection (56)(c) that is used for the production
17402 or postproduction of the following are subject to the taxes imposed by this chapter:

- 17403 (i) a live musical performance;
- 17404 (ii) a live news program; or
- 17405 (iii) a live sporting event;
- 17406 (c) the following establishments listed in the 1997 North American Industry
17407 Classification System of the federal Executive Office of the President, Office of Management
17408 and Budget, apply to Subsections (56)(a) and (b):

- 17409 (i) NAICS Code 512110; or
- 17410 (ii) NAICS Code 51219; and
- 17411 (d) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

17412 commission may by rule:

- 17413 (i) prescribe what constitutes a medium similar to Subsections (56)(a)(i) through (vi);

17414 or

- 17415 (ii) define:
 - 17416 (A) "commercial distribution";
 - 17417 (B) "live musical performance";

- 17418 (C) "live news program"; or
- 17419 (D) "live sporting event";
- 17420 (57) (a) leases of seven or more years or purchases made on or after July 1, 2004 but on
- 17421 or before June 30, 2009, of machinery or equipment that:
- 17422 (i) is leased or purchased for or by a facility that:
- 17423 (A) is a renewable energy production facility;
- 17424 (B) is located in the state; and
- 17425 (C) (I) becomes operational on or after July 1, 2004; or
- 17426 (II) has its generation capacity increased by one or more megawatts on or after July 1,
- 17427 2004 as a result of the use of the machinery or equipment;
- 17428 (ii) has an economic life of five or more years; and
- 17429 (iii) is used to make the facility or the increase in capacity of the facility described in
- 17430 Subsection (57)(a)(i) operational up to the point of interconnection with an existing
- 17431 transmission grid including:
- 17432 (A) a wind turbine;
- 17433 (B) generating equipment;
- 17434 (C) a control and monitoring system;
- 17435 (D) a power line;
- 17436 (E) substation equipment;
- 17437 (F) lighting;
- 17438 (G) fencing;
- 17439 (H) pipes; or
- 17440 (I) other equipment used for locating a power line or pole; and
- 17441 (b) this Subsection (57) does not apply to:
- 17442 (i) machinery or equipment used in construction of:
- 17443 (A) a new renewable energy production facility; or
- 17444 (B) the increase in the capacity of a renewable energy production facility;
- 17445 (ii) contracted services required for construction and routine maintenance activities;

17446 and

17447 (iii) unless the machinery or equipment is used or acquired for an increase in capacity
17448 of the facility described in Subsection (57)(a)(i)(C)(II), machinery or equipment used or
17449 acquired after:

17450 (A) the renewable energy production facility described in Subsection (57)(a)(i) is
17451 operational as described in Subsection (57)(a)(iii); or

17452 (B) the increased capacity described in Subsection (57)(a)(i) is operational as described
17453 in Subsection (57)(a)(iii);

17454 (58) (a) leases of seven or more years or purchases made on or after July 1, 2004 but on
17455 or before June 30, 2009, of machinery or equipment that:

17456 (i) is leased or purchased for or by a facility that:

17457 (A) is a waste energy production facility;

17458 (B) is located in the state; and

17459 (C) (I) becomes operational on or after July 1, 2004; or

17460 (II) has its generation capacity increased by one or more megawatts on or after July 1,
17461 2004 as a result of the use of the machinery or equipment;

17462 (ii) has an economic life of five or more years; and

17463 (iii) is used to make the facility or the increase in capacity of the facility described in
17464 Subsection (58)(a)(i) operational up to the point of interconnection with an existing
17465 transmission grid including:

17466 (A) generating equipment;

17467 (B) a control and monitoring system;

17468 (C) a power line;

17469 (D) substation equipment;

17470 (E) lighting;

17471 (F) fencing;

17472 (G) pipes; or

17473 (H) other equipment used for locating a power line or pole; and

17474 (b) this Subsection (58) does not apply to:

17475 (i) machinery or equipment used in construction of:

17476 (A) a new waste energy facility; or

17477 (B) the increase in the capacity of a waste energy facility;

17478 (ii) contracted services required for construction and routine maintenance activities;

17479 and

17480 (iii) unless the machinery or equipment is used or acquired for an increase in capacity

17481 described in Subsection (58)(a)(i)(C)(II), machinery or equipment used or acquired after:

17482 (A) the waste energy facility described in Subsection (58)(a)(i) is operational as

17483 described in Subsection (58)(a)(iii); or

17484 (B) the increased capacity described in Subsection (58)(a)(i) is operational as described

17485 in Subsection (58)(a)(iii);

17486 (59) (a) leases of five or more years or purchases made on or after July 1, 2004 but on

17487 or before June 30, 2009, of machinery or equipment that:

17488 (i) is leased or purchased for or by a facility that:

17489 (A) is located in the state;

17490 (B) produces fuel from biomass energy including:

17491 (I) methanol; or

17492 (II) ethanol; and

17493 (C) (I) becomes operational on or after July 1, 2004; or

17494 (II) has its capacity to produce fuel increase by 25% or more on or after July 1, 2004 as

17495 a result of the installation of the machinery or equipment;

17496 (ii) has an economic life of five or more years; and

17497 (iii) is installed on the facility described in Subsection (59)(a)(i);

17498 (b) this Subsection (59) does not apply to:

17499 (i) machinery or equipment used in construction of:

17500 (A) a new facility described in Subsection (59)(a)(i); or

17501 (B) the increase in capacity of the facility described in Subsection (59)(a)(i); or

17502 (ii) contracted services required for construction and routine maintenance activities;
17503 and
17504 (iii) unless the machinery or equipment is used or acquired for an increase in capacity
17505 described in Subsection (59)(a)(i)(C)(II), machinery or equipment used or acquired after:
17506 (A) the facility described in Subsection (59)(a)(i) is operational; or
17507 (B) the increased capacity described in Subsection (59)(a)(i) is operational;
17508 (60) amounts paid to a purchaser as a rebate from the manufacturer of a new vehicle for
17509 purchasing the new vehicle;
17510 (61) (a) subject to Subsection (61)(b), sales of tangible personal property to persons
17511 within this state that is subsequently shipped outside the state and incorporated pursuant to
17512 contract into and becomes a part of real property located outside of this state, except to the
17513 extent that the other state or political entity imposes a sales, use, gross receipts, or other similar
17514 transaction excise tax on it against which the other state or political entity allows a credit for
17515 taxes imposed by this chapter; and
17516 (b) the exemption provided for in Subsection (61)(a):
17517 (i) is allowed only if the exemption is applied:
17518 (A) in calculating the purchase price of the tangible personal property; and
17519 (B) to a written contract that is in effect on July 1, 2004; and
17520 (ii) (A) does not apply beginning on the day on which the contract described in
17521 Subsection (61)(b)(i):
17522 (I) is substantially modified; or
17523 (II) terminates; and
17524 (B) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
17525 the commission may by rule prescribe the circumstances under which a contract is substantially
17526 modified;
17527 (62) purchases:
17528 (a) of one or more of the following items in printed or electronic format:
17529 (i) a list containing information that includes one or more:

17530 (A) names; or
17531 (B) addresses; or
17532 (ii) a database containing information that includes one or more:
17533 (A) names; or
17534 (B) addresses; and
17535 (b) used to send direct mail;
17536 (63) redemptions or repurchases of property by a person if that property was:
17537 (a) delivered to a pawnbroker as part of a pawn transaction; and
17538 (b) redeemed or repurchased within the time period established in a written agreement
17539 between the person and the pawnbroker for redeeming or repurchasing the property;
17540 (64) (a) purchases or leases of an item described in Subsection (64)(b) if the item:
17541 (i) is purchased or leased by, or on behalf of, a telephone service provider; and
17542 (ii) has a useful economic life of one or more years; and
17543 (b) the following apply to Subsection (64)(a):
17544 (i) telecommunications enabling or facilitating equipment, machinery, or software;
17545 (ii) telecommunications equipment, machinery, or software required for 911 service;
17546 (iii) telecommunications maintenance or repair equipment, machinery, or software;
17547 (iv) telecommunications switching or routing equipment, machinery, or software; or
17548 (v) telecommunications transmission equipment, machinery, or software; ~~and~~
17549 (65) (a) beginning on July 1, 2006 and ending on June 30, 2016, purchases of tangible
17550 personal property used in the research and development of coal-to-liquids, oil shale, or tar
17551 sands technology; and
17552 (b) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
17553 commission may, for purposes of Subsection (65)(a), make rules defining what constitutes
17554 tangible personal property used in the research and development of coal-to-liquids, oil shale,
17555 and tar sands technology[-]; ~~and~~
17556 (66) sales to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit
17557 District Act, or to a subcontractor of a public transit district, including sales of construction

17558 materials that are to be installed or converted to real property owned by the public transit
17559 district.

17560 Section 423. Section **59-12-501** is amended to read:

17561 **59-12-501. Public transit tax -- Base -- Rate -- Voter approval.**

17562 (1) (a) (i) In addition to other sales and use taxes, any county, city, or town within a
17563 transit district organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public
17564 Transit District Act, may impose a sales and use tax of up to .25% on the transactions described
17565 in Subsection 59-12-103(1) located within the county, city, or town, to fund a public
17566 transportation system.

17567 (ii) Notwithstanding Subsection (1)(a)(i), a county, city, or town may not impose a tax
17568 under this section on:

17569 (A) the sales and uses described in Section 59-12-104 to the extent the sales and uses
17570 are exempt from taxation under Section 59-12-104; and

17571 (B) any amounts paid or charged by a seller that collects a tax under Subsection
17572 59-12-107(1)(b).

17573 (b) For purposes of this Subsection (1), the location of a transaction shall be
17574 determined in accordance with Section 59-12-207.

17575 (c) (i) A county, city, or town may impose a tax under this section only if the governing
17576 body of the county, city, or town, by resolution, submits the proposal to all the qualified voters
17577 within the county, city, or town for approval at a general or special election conducted in the
17578 manner provided by statute.

17579 (ii) An election under Subsection [~~17B-2-512~~] 17B-1-412(3)(a)(ii) approving the
17580 annexation of an area to a public transit district or local district and approving for that annexed
17581 area the sales and use tax authorized by this section satisfies the election requirement of
17582 Subsection (1)(c)(i) for the area to be annexed to the public transit district or local district.

17583 (2) (a) If only a portion of a county is included within a public transit district, the
17584 proposal may be submitted only to the qualified voters residing within the boundaries of the
17585 proposed or existing public transit district.

17586 (b) Notice of any such election shall be given by the county, city, or town governing
17587 body 15 days in advance in the manner prescribed by statute.

17588 (c) If a majority of the voters voting in such election approve the proposal, it shall
17589 become effective on the date provided by the county, city, or town governing body.

17590 (3) This section may not be construed to require an election in jurisdictions where
17591 voters have previously approved a public transit sales or use tax.

17592 Section 424. Section **59-12-502** is amended to read:

17593 **59-12-502. Additional public transit tax for expanded system and fixed guideway**
17594 **and interstate improvements -- Base -- Rate -- Voter approval.**

17595 (1) (a) (i) In addition to other sales and use taxes, including the public transit district tax
17596 authorized by Section 59-12-501, a county, city, or town within a transit district organized
17597 under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit District Act, may
17598 impose a sales and use tax of .25% on the transactions described in Subsection 59-12-103(1)
17599 located within the county, city, or town, to fund a fixed guideway and expanded public
17600 transportation system.

17601 (ii) Notwithstanding Subsection (1)(a)(i), a county, city, or town may not impose a tax
17602 under this section on:

17603 (A) the sales and uses described in Section 59-12-104 to the extent the sales and uses
17604 are exempt from taxation under Section 59-12-104; and

17605 (B) any amounts paid or charged by a seller that collects a tax under Subsection
17606 59-12-107(1)(b).

17607 (b) For purposes of this Subsection (1), the location of a transaction shall be
17608 determined in accordance with Section 59-12-207.

17609 (c) (i) A county, city, or town may impose the tax under this section only if the
17610 governing body of the county, city, or town submits, by resolution, the proposal to all the
17611 qualified voters within the county, city, or town for approval at a general or special election
17612 conducted in the manner provided by statute.

17613 (ii) Notice of the election under Subsection (1)(c)(i) shall be given by the county, city,

17614 or town governing body 15 days in advance in the manner prescribed by statute.

17615 (2) If the majority of the voters voting in this election approve the proposal, it shall
17616 become effective on the date provided by the county, city, or town governing body.

17617 (3) (a) This section may not be construed to require an election in jurisdictions where
17618 voters have previously approved a public transit sales or use tax.

17619 (b) This section shall be construed to require an election to impose the sales and use
17620 tax authorized by this section, including jurisdictions where the voters have previously
17621 approved the sales and use tax authorized by Section 59-12-501, but this section may not be
17622 construed to affect the sales and use tax authorized by Section 59-12-501.

17623 (4) No public funds shall be spent to promote the required election.

17624 (5) (a) Notwithstanding the designated use of revenues in Subsection (1), of the
17625 revenues generated by the tax imposed under this section by any county of the first class:

17626 (i) 75% shall be allocated to fund a fixed guideway and expanded public transportation
17627 system; and

17628 (ii) except as provided in Subsection (5)(b), 25% shall be allocated to fund new
17629 construction, major renovations, and improvements to Interstate 15 and state highways within
17630 the county and to pay any debt service and bond issuance costs related to those projects.

17631 (b) Notwithstanding the designated use of revenues in Subsection (1), beginning on
17632 July 1, 2006, and ending on July 1, 2007, a county of the first class may expend an amount not
17633 to exceed \$3,500,000 of the revenues described in Subsection (5)(a)(ii) for expenses relating to
17634 reconfiguring railroad curves within that county to reduce rail congestion.

17635 (6) A county of the first class may, through an interlocal agreement, authorize the
17636 deposit or transfer of the portion of the revenues described in Subsection (5)(a)(ii) to the Public
17637 Transportation System Tax Highway Fund created in Section 72-2-121.

17638 Section 425. Section **59-12-1001** is amended to read:

17639 **59-12-1001. Authority to impose tax for highways or to fund a system for public**
17640 **transit -- Base -- Rate -- Ordinance requirements -- Voter approval requirements --**
17641 **Election requirements -- Notice of election requirements -- Exceptions to voter approval**

17642 **requirements -- Enactment or repeal of tax -- Effective date -- Notice requirements.**

17643 (1) (a) A city or town in which the transactions described in Subsection 59-12-103(1)
17644 are not subject to a sales and use tax under Section 59-12-501 may as provided in this part
17645 impose a sales and use tax of .25% on the transactions described in Subsection 59-12-103(1)
17646 located within the city or town.

17647 (b) Notwithstanding Subsection (1)(a), a city or town may not impose a tax under this
17648 section on:

17649 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are
17650 exempt from taxation under Section 59-12-104; and

17651 (ii) any amounts paid or charged by a seller that collects a tax under Subsection
17652 59-12-107(1)(b).

17653 (c) For purposes of this Subsection (1), the location of a transaction shall be
17654 determined in accordance with Section 59-12-207.

17655 (2) (a) A city or town imposing a tax under this part may use the revenues generated by
17656 the tax:

17657 (i) for the construction and maintenance of highways under the jurisdiction of the city
17658 or town imposing the tax;

17659 (ii) subject to Subsection (2)(b), to fund a system for public transit; or

17660 (iii) for a combination of the purposes described in Subsections (2)(a)(i) and (ii).

17661 (b) (i) For purposes of Subsection (2)(a)(ii) and except as provided in Subsection
17662 (2)(b)(ii), "public transit" is as defined in Section [~~17A-2-1004~~] 17B-2a-802.

17663 (ii) Notwithstanding Subsection (2)(b)(i), "public transit" does not include a fixed
17664 guideway system.

17665 (3) To impose a tax under this part, the governing body of the city or town shall:

17666 (a) pass an ordinance approving the tax; and

17667 (b) except as provided in Subsection (7), obtain voter approval for the tax as provided
17668 in Subsection (4).

17669 (4) To obtain voter approval for a tax under Subsection (3)(b), a city or town shall:

17670 (a) hold an election during:
17671 (i) a regular general election; or
17672 (ii) a municipal general election; and
17673 (b) publish notice of the election:
17674 (i) 15 days or more before the day on which the election is held; and
17675 (ii) in a newspaper of general circulation in the city or town.
17676 (5) An ordinance approving a tax under this part shall provide an effective date for the
17677 tax as provided in Subsection (6).
17678 (6) (a) For purposes of this Subsection (6):
17679 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part
17680 4, Annexation.
17681 (ii) "Annexing area" means an area that is annexed into a city or town.
17682 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a city
17683 or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:
17684 (A) on the first day of a calendar quarter; and
17685 (B) after a 90-day period beginning on the date the commission receives notice meeting
17686 the requirements of Subsection (6)(b)(ii) from the city or town.
17687 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:
17688 (A) that the city or town will enact or repeal a tax under this part;
17689 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);
17690 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and
17691 (D) if the city or town enacts the tax described in Subsection (6)(b)(ii)(A), the rate of
17692 the tax.
17693 (c) (i) Notwithstanding Subsection (6)(b)(i), for a transaction described in Subsection
17694 (6)(c)(iii), the enactment of a tax shall take effect on the first day of the first billing period:
17695 (A) that begins after the effective date of the enactment of the tax; and
17696 (B) if the billing period for the transaction begins before the effective date of the
17697 enactment of the tax under Subsection (1).

17698 (ii) Notwithstanding Subsection (6)(b)(i), for a transaction described in Subsection
17699 (6)(c)(iii), the repeal of a tax shall take effect on the first day of the last billing period:

17700 (A) that began before the effective date of the repeal of the tax; and

17701 (B) if the billing period for the transaction begins before the effective date of the repeal
17702 of the tax imposed under Subsection (1).

17703 (iii) Subsections (6)(c)(i) and (ii) apply to transactions subject to a tax under:

17704 (A) Subsection 59-12-103(1)(b);

17705 (B) Subsection 59-12-103(1)(c);

17706 (C) Subsection 59-12-103(1)(d);

17707 (D) Subsection 59-12-103(1)(e);

17708 (E) Subsection 59-12-103(1)(f);

17709 (F) Subsection 59-12-103(1)(g);

17710 (G) Subsection 59-12-103(1)(h);

17711 (H) Subsection 59-12-103(1)(i);

17712 (I) Subsection 59-12-103(1)(j); or

17713 (J) Subsection 59-12-103(1)(k).

17714 (d) (i) Notwithstanding Subsection (6)(b)(i), if a tax due under this chapter on a
17715 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an
17716 enactment or repeal of a tax described in Subsection (6)(b)(i) takes effect:

17717 (A) on the first day of a calendar quarter; and

17718 (B) beginning 60 days after the effective date of the enactment or repeal under
17719 Subsection (6)(b)(i).

17720 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
17721 commission may by rule define the term "catalogue sale."

17722 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
17723 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
17724 part for an annexing area, the enactment or repeal shall take effect:

17725 (A) on the first day of a calendar quarter; and

- 17726 (B) after a 90-day period beginning on the date the commission receives notice meeting
17727 the requirements of Subsection (6)(e)(ii) from the city or town that annexes the annexing area.
- 17728 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:
- 17729 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
17730 repeal of a tax under this part for the annexing area;
- 17731 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);
- 17732 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and
- 17733 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).
- 17734 (f) (i) Notwithstanding Subsection (6)(e)(i), for a transaction described in Subsection
17735 (6)(f)(iii), the enactment of a tax shall take effect on the first day of the first billing period:
- 17736 (A) that begins after the effective date of the enactment of the tax; and
- 17737 (B) if the billing period for the transaction begins before the effective date of the
17738 enactment of the tax under Subsection (1).
- 17739 (ii) Notwithstanding Subsection (6)(e)(i), for a transaction described in Subsection
17740 (6)(f)(iii), the repeal of a tax shall take effect on the first day of the last billing period:
- 17741 (A) that began before the effective date of the repeal of the tax; and
- 17742 (B) if the billing period for the transaction begins before the effective date of the repeal
17743 of the tax imposed under Subsection (1).
- 17744 (iii) Subsections (6)(f)(i) and (ii) apply to transactions subject to a tax under:
- 17745 (A) Subsection 59-12-103(1)(b);
- 17746 (B) Subsection 59-12-103(1)(c);
- 17747 (C) Subsection 59-12-103(1)(d);
- 17748 (D) Subsection 59-12-103(1)(e);
- 17749 (E) Subsection 59-12-103(1)(f);
- 17750 (F) Subsection 59-12-103(1)(g);
- 17751 (G) Subsection 59-12-103(1)(h);
- 17752 (H) Subsection 59-12-103(1)(i);
- 17753 (I) Subsection 59-12-103(1)(j); or

17754 (J) Subsection 59-12-103(1)(k).

17755 (g) (i) Notwithstanding Subsection (6)(e)(i), if a tax due under this chapter on a
17756 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an
17757 enactment or repeal of a tax described in Subsection (6)(e)(i) takes effect:

17758 (A) on the first day of a calendar quarter; and

17759 (B) beginning 60 days after the effective date of the enactment or repeal under
17760 Subsection (6)(e)(i).

17761 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
17762 commission may by rule define the term "catalogue sale."

17763 (7) (a) Except as provided in Subsection (7)(b), a city or town is not subject to the voter
17764 approval requirements of Subsection (3)(b) if:

17765 (i) on or before January 1, 1996, the city or town imposed a license fee or tax on
17766 businesses based on gross receipts pursuant to Section 10-1-203; or

17767 (ii) the city or town:

17768 (A) on or before June 30, 2002, obtained voter approval in accordance with Subsection
17769 (3)(b) to impose a tax under this part for a purpose described in Subsection (2)(a)(i); and

17770 (B) on or after July 1, 2002, uses the revenues generated by a tax under this part for a
17771 purpose described in Subsection (2)(a).

17772 (b) Notwithstanding Subsection (7)(a), the exception from the voter approval
17773 requirements in Subsection (7)(a)(i) does not apply to a city or town that, on or before January
17774 1, 1996, imposed a license fee or tax on only one class of businesses based on gross receipts
17775 pursuant to Section 10-1-203.

17776 Section 426. Section **59-12-1502** is amended to read:

17777 **59-12-1502. Definitions.**

17778 As used in this part:

17779 (1) "Annexation" means an annexation to a county under Title 17, Chapter 2,
17780 Annexation to County.

17781 (2) "Annexing area" means an area that is annexed into a county.

17782 (3) "Qualifying county" means a county in which a sales and use tax authorized by
17783 Section 59-12-502 is not imposed by:

- 17784 (a) the county;
- 17785 (b) a city within the county; or
- 17786 (c) a town within the county.

17787 (4) "State highway" means a highway designated as a state highway under Title 72,
17788 Chapter 4, Designation of State Highways Act.

17789 (5) (a) Except as provided in Subsection (5)(b), "public transit" is as defined in Section
17790 [~~17A-2-1004~~] 17B-2a-802.

17791 (b) Notwithstanding Subsection (5)(a), "public transit" does not include a fixed
17792 guideway system.

17793 Section 427. Section **59-12-1503** is amended to read:

17794 **59-12-1503. Opinion question election -- Base -- Rate -- Imposition of tax -- Use of**
17795 **tax revenues -- Administration, collection, and enforcement of tax by commission --**
17796 **Administrative fee -- Enactment or repeal of tax -- Annexation -- Notice.**

17797 (1) (a) Beginning on or after April 1, 2004, and subject to the other provisions of this
17798 part, the county legislative body of a qualifying county may impose a sales and use tax of .25%:

- 17799 (i) on the transactions:
 - 17800 (A) described in Subsection 59-12-103(1); and
 - 17801 (B) within the county, including the cities and towns within the county;
- 17802 (ii) for the purposes determined by the county legislative body in accordance with
17803 Subsection (2); and
- 17804 (iii) in addition to any other sales and use tax authorized under this chapter.

17805 (b) Notwithstanding Subsection (1)(a)(i), a county legislative body may not impose a
17806 tax under this section on:

- 17807 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are
17808 exempt from taxation under Section 59-12-104; or
- 17809 (ii) any amounts paid or charged by a seller that collects a tax under Subsection

17810 59-12-107(1)(b).

17811 (c) For purposes of this Subsection (1), the location of a transaction shall be
17812 determined in accordance with Section 59-12-207.

17813 (2) (a) Subject to Subsection (2)(b), before obtaining the approval required by
17814 Subsection (3), a county legislative body shall adopt a resolution specifying the percentage of
17815 revenues the county will receive from the tax under this part that will be allocated to fund one
17816 or more of the following:

17817 (i) a project or service relating to a fixed guideway system:

17818 (A) for the portion of the project or service that is performed within the county; and

17819 (B) if the fixed guideway system is owned and operated by a public transit district
17820 organized under Title ~~[17A]~~ 17B, Chapter ~~[2]~~ 2a, Part ~~[10, Utah]~~ 8, Public Transit District Act;

17821 (ii) a project or service relating to a system for public transit:

17822 (A) for the portion of the project or service that is performed within the county; and

17823 (B) if the system for public transit is owned and operated by a public transit district
17824 organized under Title ~~[17A]~~ 17B, Chapter ~~[2]~~ 2a, Part ~~[10, Utah]~~ 8, Public Transit District Act;

17825 or

17826 (iii) the following relating to a state highway within the county:

17827 (A) a project beginning on or after the day on which a county legislative body imposes
17828 a tax under this part only within the county involving:

17829 (I) new construction;

17830 (II) a renovation;

17831 (III) an improvement; or

17832 (IV) an environmental study;

17833 (B) debt service on a project described in Subsections (2)(a)(iii)(A)(I) through (IV); or

17834 (C) bond issuance costs relating to a project described in Subsections (2)(a)(iii)(A)(I)
17835 through (IV).

17836 (b) (i) A county legislative body shall in the resolution required by Subsection (2)(a)

17837 allocate as required by Subsection (2)(a) 100% of the revenues the county will receive from the

17838 tax under this part.

17839 (ii) For purposes of this Subsection (2)(b), the revenues a county will receive from the
17840 tax under this part do not include amounts retained by the commission in accordance with
17841 Subsection (8).

17842 (3) (a) Before imposing a tax under this part, a county legislative body shall:

17843 (i) obtain approval from a majority of the members of the county legislative body to:

17844 (A) impose the tax; and

17845 (B) allocate the revenues the county will receive from the tax in accordance with the
17846 resolution adopted in accordance with Subsection (2); and

17847 (ii) subject to Subsection (3)(b), submit an opinion question to the county's registered
17848 voters voting on the imposition of the tax so that each registered voter has the opportunity to
17849 express the registered voter's opinion on whether a tax should be imposed under this part.

17850 (b) The opinion question required by Subsection (3)(a)(ii) shall state the allocations
17851 specified in the resolution:

17852 (i) adopted in accordance with Subsection (2); and

17853 (ii) approved by the county legislative body in accordance with Subsection (3)(a).

17854 (c) The election required by this Subsection (3) shall be held:

17855 (i) (A) at a regular general election; and

17856 (B) in accordance with the procedures and requirements of Title 20A, Election Code,
17857 governing regular general elections; or

17858 (ii) (A) at a special election called by the county legislative body;

17859 (B) only on the date of a municipal general election provided in Subsection
17860 20A-1-202(1); and

17861 (C) in accordance with the procedures and requirements of Section 20A-1-203.

17862 (4) (a) Subject to Subsection (8), if a county legislative body determines that a majority
17863 of the county's registered voters voting on the imposition of the tax have voted in favor of the
17864 imposition of the tax in accordance with Subsection (3), the county legislative body may
17865 impose the tax by a majority vote of all of the members of the county legislative body.

17866 (b) If a county legislative body imposes a tax under Subsection (4)(a), the revenues
17867 generated by the tax shall be:

17868 (i) allocated in accordance with the allocations specified in the resolution under
17869 Subsection (2); and

17870 (ii) expended as provided in this part.

17871 (5) If a county legislative body allocates revenues generated by the tax for a project
17872 described in Subsection (2)(a)(iii)(A), before beginning the project the county legislative body
17873 shall:

17874 (a) obtain approval from the Transportation Commission to complete the project; and

17875 (b) enter into an interlocal agreement:

17876 (i) established in accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

17877 (ii) with the Department of Transportation; and

17878 (iii) to complete the project.

17879 (6) (a) If after a county legislative body imposes a tax under Subsection (4) the county
17880 legislative body seeks to change the allocation of the tax specified in the resolution under
17881 Subsection (2), the county legislative body may change the allocation of the tax by:

17882 (i) adopting a resolution in accordance with Subsection (2) specifying the percentage of
17883 revenues the county will receive from the tax under this part that will be allocated to fund one
17884 or more of the systems or projects described in Subsection (2);

17885 (ii) obtaining approval to change the allocation of the tax from a majority of the
17886 members of the county legislative body; and

17887 (iii) (A) submitting an opinion question to the county's registered voters voting on
17888 changing the allocation of the tax so that each registered voter has the opportunity to express
17889 the registered voter's opinion on whether the allocation of the tax should be changed; and

17890 (B) obtaining approval to change the allocation of the tax from a majority of the
17891 county's registered voters voting on changing the allocation of the tax.

17892 (b) (i) The opinion question required by Subsection (6)(a)(iii) shall state the allocations
17893 specified in the resolution:

17894 (A) adopted in accordance with Subsection (6)(a)(i); and
17895 (B) approved by the county legislative body in accordance with Subsection (6)(a)(ii).
17896 (ii) The election required by Subsection (6)(a)(iii) shall follow the procedures and
17897 requirements of Title 11, Chapter 14, Local Government Bonding Act.
17898 (7) (a) (i) Except as provided in Subsection (7)(a)(ii), revenues generated by a tax
17899 under this part that are allocated for a purpose described in Subsection (2)(a)(i) or (ii) shall be
17900 transmitted:
17901 (A) by the commission;
17902 (B) to the county;
17903 (C) monthly; and
17904 (D) by electronic funds transfer.
17905 (ii) Notwithstanding Subsection (7)(a)(i), a county may request that the commission
17906 transfer the revenues described in Subsection (7)(a)(i):
17907 (A) directly to a public transit district:
17908 (I) organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit
17909 District Act; and
17910 (II) designated by the county; and
17911 (B) by providing written notice to the commission:
17912 (I) requesting the revenues to be transferred directly to a public transit district as
17913 provided in Subsection (7)(a)(ii)(A); and
17914 (II) designating the public transit district to which the revenues are requested to be
17915 transferred.
17916 (b) Revenues generated by a tax under this part that are allocated for a purpose
17917 described in Subsection (2)(a)(iii) shall be:
17918 (i) deposited into the State Highway Projects Within Counties Fund created by Section
17919 72-2-121.1; and
17920 (ii) expended as provided in Section 72-2-121.1.
17921 (8) (a) (i) Except as provided in Subsection (8)(a)(ii), the tax authorized under this part

17922 shall be administered, collected, and enforced in accordance with:

17923 (A) the same procedures used to administer, collect, and enforce the tax under:

17924 (I) Part 1, Tax Collection; or

17925 (II) Part 2, Local Sales and Use Tax Act; and

17926 (B) Chapter 1, General Taxation Policies.

17927 (ii) Notwithstanding Subsection (8)(a)(i), a tax under this part is not subject to

17928 Subsections 59-12-205(2) through (7).

17929 (b) (i) The commission may retain an amount of tax collected under this part of not to

17930 exceed the lesser of:

17931 (A) 1.5%; or

17932 (B) an amount equal to the cost to the commission of administering this part.

17933 (ii) Any amount the commission retains under Subsection (8)(b)(i) shall be:

17934 (A) placed in the Sales and Use Tax Administrative Fees Account; and

17935 (B) used as provided in Subsection 59-12-206(2).

17936 (9) (a) (i) Except as provided in Subsection (9)(b) or (c), if, on or after July 1, 2004, a

17937 county enacts or repeals a tax under this part, the enactment or repeal shall take effect:

17938 (A) on the first day of a calendar quarter; and

17939 (B) after a 90-day period beginning on the date the commission receives notice meeting

17940 the requirements of Subsection (9)(a)(ii) from the county.

17941 (ii) The notice described in Subsection (9)(a)(i)(B) shall state:

17942 (A) that the county will enact or repeal a tax under this part;

17943 (B) the statutory authority for the tax described in Subsection (9)(a)(ii)(A);

17944 (C) the effective date of the tax described in Subsection (9)(a)(ii)(A); and

17945 (D) if the county enacts the tax described in Subsection (9)(a)(ii)(A), the rate of the tax.

17946 (b) (i) Notwithstanding Subsection (9)(a)(i), for a transaction described in Subsection

17947 (9)(b)(iii), the enactment of a tax shall take effect on the first day of the first billing period:

17948 (A) that begins after the effective date of the enactment of the tax; and

17949 (B) if the billing period for the transaction begins before the effective date of the

17950 enactment of the tax under Subsection (1).

17951 (ii) Notwithstanding Subsection (9)(a)(i), for a transaction described in Subsection

17952 (9)(b)(iii), the repeal of a tax shall take effect on the first day of the last billing period:

17953 (A) that began before the effective date of the repeal of the tax; and

17954 (B) if the billing period for the transaction begins before the effective date of the repeal

17955 of the tax imposed under Subsection (1).

17956 (iii) Subsections (9)(b)(i) and (ii) apply to transactions subject to a tax under:

17957 (A) Subsection 59-12-103(1)(b);

17958 (B) Subsection 59-12-103(1)(c);

17959 (C) Subsection 59-12-103(1)(d);

17960 (D) Subsection 59-12-103(1)(e);

17961 (E) Subsection 59-12-103(1)(f);

17962 (F) Subsection 59-12-103(1)(g);

17963 (G) Subsection 59-12-103(1)(h);

17964 (H) Subsection 59-12-103(1)(i);

17965 (I) Subsection 59-12-103(1)(j); or

17966 (J) Subsection 59-12-103(1)(k).

17967 (c) (i) Notwithstanding Subsection (9)(a)(i), if a tax due under this chapter on a

17968 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an

17969 enactment or repeal of a tax described in Subsection (9)(a)(i) takes effect:

17970 (A) on the first day of a calendar quarter; and

17971 (B) beginning 60 days after the effective date of the enactment or repeal under

17972 Subsection (9)(a)(i).

17973 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

17974 commission may by rule define the term "catalogue sale."

17975 (d) (i) Except as provided in Subsection (9)(e) or (f), if, for an annexation that occurs

17976 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this

17977 part for an annexing area, the enactment or repeal shall take effect:

- 17978 (A) on the first day of a calendar quarter; and
- 17979 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 17980 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.
- 17981 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:
- 17982 (A) that the annexation described in Subsection (9)(d)(i)(B) will result in an enactment
- 17983 or repeal of a tax under this part for the annexing area;
- 17984 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);
- 17985 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and
- 17986 (D) the rate of the tax described in Subsection (9)(d)(ii)(A).
- 17987 (e) (i) Notwithstanding Subsection (9)(d)(i), for a transaction described in Subsection
- 17988 (9)(e)(iii), the enactment of a tax shall take effect on the first day of the first billing period:
- 17989 (A) that begins after the effective date of the enactment of the tax; and
- 17990 (B) if the billing period for the transaction begins before the effective date of the
- 17991 enactment of the tax under Subsection (1).
- 17992 (ii) Notwithstanding Subsection (9)(d)(i), for a transaction described in Subsection
- 17993 (9)(e)(iii), the repeal of a tax shall take effect on the first day of the last billing period:
- 17994 (A) that began before the effective date of the repeal of the tax; and
- 17995 (B) if the billing period for the transaction begins before the effective date of the repeal
- 17996 of the tax imposed under Subsection (1).
- 17997 (iii) Subsections (9)(e)(i) and (ii) apply to transactions subject to a tax under:
- 17998 (A) Subsection 59-12-103(1)(b);
- 17999 (B) Subsection 59-12-103(1)(c);
- 18000 (C) Subsection 59-12-103(1)(d);
- 18001 (D) Subsection 59-12-103(1)(e);
- 18002 (E) Subsection 59-12-103(1)(f);
- 18003 (F) Subsection 59-12-103(1)(g);
- 18004 (G) Subsection 59-12-103(1)(h);
- 18005 (H) Subsection 59-12-103(1)(i);

- 18006 (I) Subsection 59-12-103(1)(j); or
- 18007 (J) Subsection 59-12-103(1)(k).
- 18008 (f) (i) Notwithstanding Subsection (9)(d)(i), if a tax due under this chapter on a
- 18009 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an
- 18010 enactment or repeal of a tax described in Subsection (9)(d)(i) takes effect:
- 18011 (A) on the first day of a calendar quarter; and
- 18012 (B) beginning 60 days after the effective date of the enactment or repeal under
- 18013 Subsection (9)(d)(i).
- 18014 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
- 18015 commission may by rule define the term "catalogue sale."
- 18016 Section 428. Section **59-12-1703** is amended to read:
- 18017 **59-12-1703. Opinion question election -- Base -- Rate -- Imposition of tax -- Use of**
- 18018 **tax revenues -- Administration, collection, and enforcement of tax by commission --**
- 18019 **Administrative fee -- Enactment or repeal of tax -- Annexation -- Notice.**
- 18020 (1) (a) Beginning on or after April 1, 2007, and subject to the other provisions of this
- 18021 part, a county legislative body may impose a sales and use tax of up to .25%:
- 18022 (i) on the transactions:
- 18023 (A) described in Subsection 59-12-103(1); and
- 18024 (B) within the county, including the cities and towns within the county;
- 18025 (ii) for the purposes described in Subsection (4); and
- 18026 (iii) in addition to any other sales and use tax authorized under this chapter.
- 18027 (b) Notwithstanding Subsection (1)(a)(i), a county legislative body may not impose a
- 18028 tax under this section on:
- 18029 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are
- 18030 exempt from taxation under Section 59-12-104; or
- 18031 (ii) any amounts paid or charged by a seller that collects a tax under Subsection
- 18032 59-12-107(1)(b).
- 18033 (c) For purposes of this Subsection (1), the location of a transaction shall be

18034 determined in accordance with Section 59-12-207.

18035 (2) (a) Except as provided in Subsection (2)(d), before imposing a tax under this part, a
18036 county legislative body shall:

18037 (i) obtain approval from a majority of the members of the county legislative body to
18038 impose the tax; and

18039 (ii) submit an opinion question to the county's registered voters voting on the
18040 imposition of the tax so that each registered voter has the opportunity to express the registered
18041 voter's opinion on whether a tax should be imposed under this part.

18042 (b) (i) In a county of the first or second class, the opinion question required by
18043 Subsection (2)(a)(ii) shall state the following:

18044 "Shall (insert the name of the county), Utah, be authorized to impose a (insert the
18045 amount of the sales and use tax up to .25%) sales and use tax for corridor preservation,
18046 congestion mitigation, or to expand capacity for regionally significant transportation facilities?"

18047 (ii) In a county of the third, fourth, fifth, or sixth class, the opinion question required by
18048 Subsection (2)(a)(ii) shall state the following:

18049 "Shall (insert the name of the county), Utah, be authorized to impose a (insert the
18050 amount of the sales and use tax up to .25%) sales and use tax for transportation projects,
18051 corridor preservation, congestion mitigation, or to expand capacity for regionally significant
18052 transportation facilities?"

18053 (c) Except as provided in Subsection (2)(d), the election required by this Subsection (2)
18054 shall be held:

18055 (i) at a regular general election conducted in accordance with the procedures and
18056 requirements of Title 20A, Election Code, governing regular elections; or

18057 (ii) at a special election called by the county legislative body that is:

18058 (A) held only on the date of a municipal general election as provided in Subsection
18059 20A-1-202(1); and

18060 (B) authorized in accordance with the procedures and requirements of Section
18061 20A-1-203.

18062 (d) Notwithstanding Subsection (2)(a) or (c), if a county seeks to impose a tax under
18063 this part on or after April 1, 2007, but on or before December 31, 2007, the county legislative
18064 body shall:

18065 (i) obtain the approval required by Subsection (2)(a)(i) within five calendar days of
18066 September 20, 2006;

18067 (ii) direct the county clerk to submit the opinion question required by Subsection
18068 (2)(a)(ii) during the November 7, 2006 general election; and

18069 (iii) hold the election required by this section on November 7, 2006.

18070 (3) If a county legislative body determines that a majority of the county's registered
18071 voters voting on the imposition of the tax have voted in favor of the imposition of the tax in
18072 accordance with Subsection (2), the county legislative body shall impose the tax in accordance
18073 with this section.

18074 (4) (a) Subject to Subsections (5) and (6), the revenues generated by a tax under this
18075 part may only be expended for:

18076 (i) a project or service:

18077 (A) relating to a regionally significant transportation facility;

18078 (B) for the portion of the project or service that is performed within the county;

18079 (C) for new capacity or congestion mitigation if the project or service is performed
18080 within a county:

18081 (I) of the first class;

18082 (II) of the second class; or

18083 (III) that is part of an area metropolitan planning organization;

18084 (D) (I) if the project or service is a principal arterial highway or a minor arterial
18085 highway in a county of the first or second class, that is part of the county and municipal master
18086 plan and part of:

18087 (Aa) the statewide long-range plan; or

18088 (Bb) the regional transportation plan of the area metropolitan planning organization if a
18089 metropolitan planning organization exists for the area; or

18090 (II) if the project or service is for a fixed guideway or an airport, that is part of the
18091 regional transportation plan of the area metropolitan planning organization if a metropolitan
18092 planning organization exists for the area; and
18093 (E) that is on a priority list:
18094 (I) created by the county's council of governments in accordance with Subsection (5);
18095 and
18096 (II) approved by the county legislative body in accordance with Subsection (6);
18097 (ii) corridor preservation for a project described in Subsection (4)(a)(i) as provided in
18098 Subsection (7)(b); or
18099 (iii) any debt service and bond issuance costs related to a project described in
18100 Subsection (4)(a)(i) or (ii).
18101 (b) In a county of the first or second class, a regionally significant transportation
18102 facility project or service described in Subsection (4)(a)(i)(A) must have a funded year priority
18103 designation on a Statewide Transportation Improvement Program and Transportation
18104 Improvement Program if the project or service described in Subsection (4)(a)(i) is:
18105 (i) a principal arterial highway as defined in Section 72-4-102.5;
18106 (ii) a minor arterial highway as defined in Section 72-4-102.5; or
18107 (iii) a major collector highway:
18108 (A) as defined in Section 72-4-102.5; and
18109 (B) in a rural area.
18110 (c) Notwithstanding the designated use of revenues in Subsection (4)(a), of the
18111 revenues generated by the tax imposed under this section by any county of the first or second
18112 class, 25% or more shall be expended for the purpose described in Subsection (4)(a)(ii).
18113 (d) For purposes of this Subsection (4), the revenues a county will receive from a tax
18114 under this part do not include amounts retained by the commission in accordance with
18115 Subsection (8).
18116 (5) (a) The county's council of governments shall create a priority list of regionally
18117 significant transportation facility projects described in Subsection (4)(a) using the process

18118 described in Subsection (5)(b) and present the priority list to the county's legislative body for
18119 approval as described in Subsection (6).

18120 (b) Subject to Sections 59-12-1704 and 59-12-1705, a council of governments shall
18121 establish a council of governments' endorsement process which includes prioritization and
18122 application procedures for use of the revenues a county will receive from a tax under this part.

18123 (6) (a) The council of governments shall submit the priority list described in
18124 Subsection (5) to the county's legislative body and obtain approval of the list from a majority of
18125 the members of the county legislative body.

18126 (b) A county's council of governments may only submit one priority list per calendar
18127 year.

18128 (c) A county legislative body may only consider and approve one priority list per
18129 calendar year.

18130 (7) (a) (i) Except as provided in Subsections (7)(a)(ii) and (7)(b), revenues described in
18131 Subsection (4) shall be transmitted:

18132 (A) by the commission;

18133 (B) to the county;

18134 (C) monthly; and

18135 (D) by electronic funds transfer.

18136 (ii) A county may request that the commission transfer a portion of the revenues
18137 described in Subsection (4):

18138 (A) directly to a public transit district:

18139 (I) organized under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~] 8, Public Transit
18140 District Act; and

18141 (II) designated by the county; and

18142 (B) by providing written notice to the commission:

18143 (I) requesting the revenues to be transferred directly to a public transit district as
18144 provided in Subsection (7)(a)(ii)(A); and

18145 (II) designating the public transit district to which the revenues are requested to be

18146 transferred.

18147 (b) (i) Except as provided in Subsection (7)(b)(ii), revenues generated by a tax under
18148 this part that are allocated for a purpose described in Subsection (4)(a)(ii) shall be:

18149 (A) deposited in or transferred to the Local Transportation Corridor Preservation Fund
18150 created by Section 72-2-117.5; and

18151 (B) expended as provided in Section 72-2-117.5.

18152 (ii) In a county of the first class, revenues generated by a tax under this part that are
18153 allocated for a purpose described in Subsection (4)(a)(ii) shall be:

18154 (A) deposited in or transferred to the Public Transportation System Tax Highway Fund
18155 created by Section 72-2-121; and

18156 (B) expended as provided in Section 72-2-121.

18157 (8) (a) (i) Except as provided in Subsection (8)(b), the tax authorized under this part
18158 shall be administered, collected, and enforced in accordance with:

18159 (A) the same procedures used to administer, collect, and enforce the tax under:

18160 (I) Part 1, Tax Collection; or

18161 (II) Part 2, Local Sales and Use Tax Act; and

18162 (B) Chapter 1, General Taxation Policies.

18163 (ii) A tax under this part is not subject to Subsections 59-12-205(2) through (7).

18164 (b) (i) The commission may retain an amount of tax collected under this part of not to
18165 exceed the lesser of:

18166 (A) 1.5%; or

18167 (B) an amount equal to the cost to the commission of administering this part.

18168 (ii) Any amount the commission retains under Subsection (8)(b)(i) shall be:

18169 (A) placed in the Sales and Use Tax Administrative Fees Account; and

18170 (B) used as provided in Subsection 59-12-206(2).

18171 (9) (a) (i) Except as provided in Subsection (9)(b) or (c), if, on or after April 1, 2007, a
18172 county enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal,
18173 or change shall take effect:

- 18174 (A) on the first day of a calendar quarter; and
- 18175 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 18176 the requirements of Subsection (9)(a)(ii) from the county.
- 18177 (ii) The notice described in Subsection (9)(a)(i)(B) shall state:
 - 18178 (A) that the county will enact, repeal, or change the rate of a tax under this part;
 - 18179 (B) the statutory authority for the tax described in Subsection (9)(a)(ii)(A);
 - 18180 (C) the effective date of the tax described in Subsection (9)(a)(ii)(A); and
 - 18181 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
 - 18182 (9)(a)(ii)(A), the rate of the tax.
- 18183 (b) (i) For a transaction described in Subsection (9)(b)(iii), if the billing period for the
- 18184 transaction begins before the effective date of the enactment of the tax or tax rate increase
- 18185 under Subsection (1), the enactment of a tax or a tax rate increase shall take effect on the first
- 18186 day of the first billing period that begins after the effective date of the enactment of the tax or
- 18187 the tax rate increase.
- 18188 (ii) For a transaction described in Subsection (9)(b)(iii), if the billing period for the
- 18189 transaction begins before the effective date of the repeal of the tax or the tax rate decrease
- 18190 imposed under Subsection (1), the repeal of a tax or a tax rate decrease shall take effect on the
- 18191 first day of the last billing period that began before the effective date of the repeal of the tax or
- 18192 the tax rate decrease.
- 18193 (iii) Subsections (9)(b)(i) and (ii) apply to transactions subject to a tax under:
 - 18194 (A) Subsection 59-12-103(1)(b);
 - 18195 (B) Subsection 59-12-103(1)(c);
 - 18196 (C) Subsection 59-12-103(1)(d);
 - 18197 (D) Subsection 59-12-103(1)(e);
 - 18198 (E) Subsection 59-12-103(1)(f);
 - 18199 (F) Subsection 59-12-103(1)(g);
 - 18200 (G) Subsection 59-12-103(1)(h);
 - 18201 (H) Subsection 59-12-103(1)(i);

18202 (I) Subsection 59-12-103(1)(j); or
18203 (J) Subsection 59-12-103(1)(k).
18204 (c) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
18205 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of
18206 a tax described in Subsection (9)(a)(i) takes effect:
18207 (A) on the first day of a calendar quarter; and
18208 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the
18209 rate of the tax under Subsection (9)(a)(i).
18210 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
18211 commission may by rule define the term "catalogue sale."
18212 (d) (i) Except as provided in Subsection (9)(e) or (f), if, for an annexation that occurs
18213 on or after April 1, 2007, the annexation will result in the enactment, repeal, or change in the
18214 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take
18215 effect:
18216 (A) on the first day of a calendar quarter; and
18217 (B) after a 90-day period beginning on the date the commission receives notice meeting
18218 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.
18219 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:
18220 (A) that the annexation described in Subsection (9)(d)(i)(B) will result in an enactment,
18221 repeal, or change in the rate of a tax under this part for the annexing area;
18222 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);
18223 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and
18224 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
18225 (9)(d)(ii)(A), the rate of the tax.
18226 (e) (i) For a transaction described in Subsection (9)(e)(iii), if the billing period for the
18227 transaction begins before the effective date of the enactment of the tax or a tax rate increase
18228 under Subsection (1), the enactment of a tax or a tax rate increase shall take effect on the first
18229 day of the first billing period that begins after the effective date of the enactment of the tax or

18230 the tax rate increase.

18231 (ii) For a transaction described in Subsection (9)(e)(iii), if the billing period for the
18232 transaction begins before the effective date of the repeal of the tax or the tax rate decrease
18233 imposed under Subsection (1), the repeal of a tax or a tax rate decrease shall take effect on the
18234 first day of the last billing period that began before the effective date of the repeal of the tax or
18235 the tax rate decrease.

18236 (iii) Subsections (9)(e)(i) and (ii) apply to transactions subject to a tax under:

18237 (A) Subsection 59-12-103(1)(b);

18238 (B) Subsection 59-12-103(1)(c);

18239 (C) Subsection 59-12-103(1)(d);

18240 (D) Subsection 59-12-103(1)(e);

18241 (E) Subsection 59-12-103(1)(f);

18242 (F) Subsection 59-12-103(1)(g);

18243 (G) Subsection 59-12-103(1)(h);

18244 (H) Subsection 59-12-103(1)(i);

18245 (I) Subsection 59-12-103(1)(j); or

18246 (J) Subsection 59-12-103(1)(k).

18247 (f) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
18248 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of
18249 a tax described in Subsection (9)(d)(i) takes effect:

18250 (A) on the first day of a calendar quarter; and

18251 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the
18252 rate under Subsection (9)(d)(i).

18253 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
18254 commission may by rule define the term "catalogue sale."

18255 Section 429. Section **63-2-103** is amended to read:

18256 **63-2-103. Definitions.**

18257 As used in this chapter:

- 18258 (1) "Audit" means:
- 18259 (a) a systematic examination of financial, management, program, and related records
- 18260 for the purpose of determining the fair presentation of financial statements, adequacy of
- 18261 internal controls, or compliance with laws and regulations; or
- 18262 (b) a systematic examination of program procedures and operations for the purpose of
- 18263 determining their effectiveness, economy, efficiency, and compliance with statutes and
- 18264 regulations.
- 18265 (2) "Chronological logs" mean the regular and customary summary records of law
- 18266 enforcement agencies and other public safety agencies that show:
- 18267 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
- 18268 (b) and any arrests or jail bookings made by the agency.
- 18269 (3) "Classification," "classify," and their derivative forms mean determining whether a
- 18270 record series, record, or information within a record is public, private, controlled, protected, or
- 18271 exempt from disclosure under Subsection 63-2-201(3)(b).
- 18272 (4) (a) "Computer program" means:
- 18273 (i) a series of instructions or statements that permit the functioning of a computer
- 18274 system in a manner designed to provide storage, retrieval, and manipulation of data from the
- 18275 computer system; and
- 18276 (ii) any associated documentation and source material that explain how to operate the
- 18277 computer program.
- 18278 (b) "Computer program" does not mean:
- 18279 (i) the original data, including numbers, text, voice, graphics, and images;
- 18280 (ii) analysis, compilation, and other manipulated forms of the original data produced by
- 18281 use of the program; or
- 18282 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
- 18283 algorithms contained in the program, that would be used if the manipulated forms of the
- 18284 original data were to be produced manually.
- 18285 (5) (a) "Contractor" means:

- 18286 (i) any person who contracts with a governmental entity to provide goods or services
18287 directly to a governmental entity; or
- 18288 (ii) any private, nonprofit organization that receives funds from a governmental entity.
- 18289 (b) "Contractor" does not mean a private provider.
- 18290 (6) "Controlled record" means a record containing data on individuals that is controlled
18291 as provided by Section 63-2-303.
- 18292 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
18293 governmental entity's familiarity with a record series or based on a governmental entity's
18294 review of a reasonable sample of a record series, the primary classification that a majority of
18295 records in a record series would be given if classified and the classification that other records
18296 typically present in the record series would be given if classified.
- 18297 (8) "Elected official" means each person elected to a state office, county office,
18298 municipal office, school board or school district office, [~~or special~~] local district office, or
18299 special service district office, but does not include judges.
- 18300 (9) "Explosive" means a chemical compound, device, or mixture:
- 18301 (a) commonly used or intended for the purpose of producing an explosion; and
- 18302 (b) that contains oxidizing or combustive units or other ingredients in proportions,
18303 quantities, or packing so that:
- 18304 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
18305 compound or mixture may cause a sudden generation of highly heated gases; and
- 18306 (ii) the resultant gaseous pressures are capable of:
- 18307 (A) producing destructive effects on contiguous objects; or
- 18308 (B) causing death or serious bodily injury.
- 18309 (10) "Government audit agency" means any governmental entity that conducts an audit.
- 18310 (11) (a) "Governmental entity" means:
- 18311 (i) executive department agencies of the state, the offices of the governor, lieutenant
18312 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,
18313 the Board of Examiners, the National Guard, the Career Service Review Board, the State Board

18314 of Education, the State Board of Regents, and the State Archives;

18315 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
18316 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative
18317 committees, except any political party, group, caucus, or rules or sifting committee of the
18318 Legislature;

18319 (iii) courts, the Judicial Council, the Office of the Court Administrator, and similar
18320 administrative units in the judicial branch;

18321 (iv) any state-funded institution of higher education or public education; or

18322 (v) any political subdivision of the state, but, if a political subdivision has adopted an
18323 ordinance or a policy relating to information practices pursuant to Section 63-2-701, this
18324 chapter shall apply to the political subdivision to the extent specified in Section 63-2-701 or as
18325 specified in any other section of this chapter that specifically refers to political subdivisions.

18326 (b) "Governmental entity" also means every office, agency, board, bureau, committee,
18327 department, advisory board, or commission of an entity listed in Subsection (11)(a) that is
18328 funded or established by the government to carry out the public's business.

18329 (12) "Gross compensation" means every form of remuneration payable for a given
18330 period to an individual for services provided including salaries, commissions, vacation pay,
18331 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any
18332 similar benefit received from the individual's employer.

18333 (13) "Individual" means a human being.

18334 (14) (a) "Initial contact report" means an initial written or recorded report, however
18335 titled, prepared by peace officers engaged in public patrol or response duties describing official
18336 actions initially taken in response to either a public complaint about or the discovery of an
18337 apparent violation of law, which report may describe:

18338 (i) the date, time, location, and nature of the complaint, the incident, or offense;

18339 (ii) names of victims;

18340 (iii) the nature or general scope of the agency's initial actions taken in response to the
18341 incident;

18342 (iv) the general nature of any injuries or estimate of damages sustained in the incident;

18343 (v) the name, address, and other identifying information about any person arrested or
18344 charged in connection with the incident; or

18345 (vi) the identity of the public safety personnel, except undercover personnel, or
18346 prosecuting attorney involved in responding to the initial incident.

18347 (b) Initial contact reports do not include follow-up or investigative reports prepared
18348 after the initial contact report. However, if the information specified in Subsection (14)(a)
18349 appears in follow-up or investigative reports, it may only be treated confidentially if it is
18350 private, controlled, protected, or exempt from disclosure under Subsection 63-2-201(3)(b).

18351 (15) "Legislative body" means the Legislature.

18352 (16) "Notice of compliance" means a statement confirming that a governmental entity
18353 has complied with a records committee order.

18354 (17) "Person" means:

18355 (a) an individual;

18356 (b) a nonprofit or profit corporation;

18357 (c) a partnership;

18358 (d) a sole proprietorship;

18359 (e) other type of business organization; or

18360 (f) any combination acting in concert with one another.

18361 (18) "Private provider" means any person who contracts with a governmental entity to
18362 provide services directly to the public.

18363 (19) "Private record" means a record containing data on individuals that is private as
18364 provided by Section 63-2-302.

18365 (20) "Protected record" means a record that is classified protected as provided by
18366 Section 63-2-304.

18367 (21) "Public record" means a record that is not private, controlled, or protected and that
18368 is not exempt from disclosure as provided in Subsection 63-2-201(3)(b).

18369 (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,

18370 card, tape, recording, electronic data, or other documentary material regardless of physical form
18371 or characteristics:

18372 (i) that is prepared, owned, received, or retained by a governmental entity or political
18373 subdivision; and

18374 (ii) where all of the information in the original is reproducible by photocopy or other
18375 mechanical or electronic means.

18376 (b) "Record" does not mean:

18377 (i) a personal note or personal communication prepared or received by an employee or
18378 officer of a governmental entity in the employee's or officer's private capacity;

18379 (ii) a temporary draft or similar material prepared for the originator's personal use or
18380 prepared by the originator for the personal use of an individual for whom the originator is
18381 working;

18382 (iii) material that is legally owned by an individual in the individual's private capacity;

18383 (iv) material to which access is limited by the laws of copyright or patent unless the
18384 copyright or patent is owned by a governmental entity or political subdivision;

18385 (v) proprietary software;

18386 (vi) junk mail or a commercial publication received by a governmental entity or an
18387 official or employee of a governmental entity;

18388 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
18389 of a library open to the public;

18390 (viii) material that is cataloged, indexed, or inventoried and contained in the collections
18391 of a library open to the public, regardless of physical form or characteristics of the material;

18392 (ix) a daily calendar or other personal note prepared by the originator for the
18393 originator's personal use or for the personal use of an individual for whom the originator is
18394 working;

18395 (x) a computer program that is developed or purchased by or for any governmental
18396 entity for its own use;

18397 (xi) a note or internal memorandum prepared as part of the deliberative process by:

- 18398 (A) a member of the judiciary;
- 18399 (B) an administrative law judge;
- 18400 (C) a member of the Board of Pardons and Parole; or
- 18401 (D) a member of any other body charged by law with performing a quasi-judicial
- 18402 function; or
- 18403 (xii) a telephone number or similar code used to access a mobile communication
- 18404 device that is used by an employee or officer of a governmental entity, provided that the
- 18405 employee or officer of the governmental entity has designated at least one business telephone
- 18406 number that is a public record as provided in Section 63-2-301.
- 18407 (23) "Record series" means a group of records that may be treated as a unit for
- 18408 purposes of designation, description, management, or disposition.
- 18409 (24) "Records committee" means the State Records Committee created in Section
- 18410 63-2-501.
- 18411 (25) "Records officer" means the individual appointed by the chief administrative
- 18412 officer of each governmental entity, or the political subdivision to work with state archives in
- 18413 the care, maintenance, scheduling, designation, classification, disposal, and preservation of
- 18414 records.
- 18415 (26) "Schedule," "scheduling," and their derivative forms mean the process of
- 18416 specifying the length of time each record series should be retained by a governmental entity for
- 18417 administrative, legal, fiscal, or historical purposes and when each record series should be
- 18418 transferred to the state archives or destroyed.
- 18419 (27) "Sponsored research" means research, training, and other sponsored activities as
- 18420 defined by the federal Executive Office of the President, Office of Management and Budget:
- 18421 (a) conducted:
- 18422 (i) by an institution within the state system of higher education defined in Section
- 18423 53B-1-102; and
- 18424 (ii) through an office responsible for sponsored projects or programs; and
- 18425 (b) funded or otherwise supported by an external:

18426 (i) person that is not created or controlled by the institution within the state system of
18427 higher education; or

18428 (ii) federal, state, or local governmental entity.

18429 (28) "State archives" means the Division of Archives and Records Service created in
18430 Section 63-2-901.

18431 (29) "State archivist" means the director of the state archives.

18432 (30) "Summary data" means statistical records and compilations that contain data
18433 derived from private, controlled, or protected information but that do not disclose private,
18434 controlled, or protected information.

18435 Section 430. Section **63-6-1 (Effective 07/01/07)** is amended to read:

18436 **63-6-1 (Effective 07/01/07). Members -- Functions.**

18437 (1) As used in this chapter:

18438 (a) "Political subdivision" means any county, city, town, school district, [~~public transit~~
18439 ~~district, redevelopment~~] community development and renewal agency, special improvement or
18440 taxing district, [~~special~~] local district, special service district, an entity created by an interlocal
18441 agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other
18442 governmental subdivision or public corporation.

18443 (b) "State" means the state of Utah, and includes each office, department, division,
18444 agency, authority, commission, board, institution, college, university, Children's Justice Center,
18445 or other instrumentality of the state.

18446 (2) The governor, the state auditor, and the attorney general shall constitute a Board of
18447 Examiners, with power to examine all claims against the state or a political subdivision, for the
18448 payment of which funds appropriated by the Legislature or derived from any other source are
18449 not available.

18450 (3) No claim against the state or a political subdivision, for the payment of which
18451 specifically designated funds are required to be appropriated by the Legislature shall be passed
18452 upon by the Legislature without having been considered and acted upon by the Board of
18453 Examiners.

18454 (4) The governor shall be the president, and the state auditor shall be the secretary of
18455 the board, and in the absence of either an officer pro tempore may be elected from among the
18456 members of the board.

18457 Section 431. Section **63-30d-102** is amended to read:

18458 **63-30d-102. Definitions.**

18459 As used in this chapter:

18460 (1) "Claim" means any asserted demand for or cause of action for money or damages,
18461 whether arising under the common law, under state constitutional provisions, or under state
18462 statutes, against a governmental entity or against an employee in the employee's personal
18463 capacity.

18464 (2) (a) "Employee" includes:

18465 (i) a governmental entity's officers, employees, servants, trustees, or commissioners;

18466 (ii) members of a governing body;

18467 (iii) members of a government entity board;

18468 (iv) members of a government entity commission;

18469 (v) members of an advisory body, officers, and employees of a Children's Justice
18470 Center created in accordance with Section 67-5b-104;

18471 (vi) student teachers holding a letter of authorization in accordance with Sections
18472 53A-6-103 and 53A-6-104;

18473 (vii) educational aides;

18474 (viii) students engaged in providing services to members of the public in the course of
18475 an approved medical, nursing, or other professional health care clinical training program;

18476 (ix) volunteers as defined by Subsection 67-20-2(3); and

18477 (x) tutors.

18478 (b) "Employee" includes all of the positions identified in Subsection (2)(a), whether or
18479 not the individual holding that position receives compensation.

18480 (c) "Employee" does not include an independent contractor.

18481 (3) "Governmental entity" means the state and its political subdivisions as both are

18482 defined in this section.

18483 (4) (a) "Governmental function" means each activity, undertaking, or operation of a
 18484 governmental entity.

18485 (b) "Governmental function" includes each activity, undertaking, or operation
 18486 performed by a department, agency, employee, agent, or officer of a governmental entity.

18487 (c) "Governmental function" includes a governmental entity's failure to act.

18488 (5) "Injury" means death, injury to a person, damage to or loss of property, or any other
 18489 injury that a person may suffer to his person or estate, that would be actionable if inflicted by a
 18490 private person or his agent.

18491 (6) "Personal injury" means an injury of any kind other than property damage.

18492 (7) "Political subdivision" means any county, city, town, school district, [~~public transit~~
 18493 ~~district, redevelopment~~] community development and renewal agency, special improvement or
 18494 taxing district, [~~special~~] local district, special service district, an entity created by an interlocal
 18495 agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other
 18496 governmental subdivision or public corporation.

18497 (8) "Property damage" means injury to, or loss of, any right, title, estate, or interest in
 18498 real or personal property.

18499 (9) "State" means the state of Utah, and includes each office, department, division,
 18500 agency, authority, commission, board, institution, hospital, college, university, Children's
 18501 Justice Center, or other instrumentality of the state.

18502 (10) "Willful misconduct" means the intentional doing of a wrongful act, or the
 18503 wrongful failure to act, without just cause or excuse, where the actor is aware that his conduct
 18504 will probably result in injury.

18505 Section 432. Section **63-30d-401** is amended to read:

18506 **63-30d-401. Claim for injury -- Notice -- Contents -- Service -- Legal disability --**
 18507 **Appointment of guardian ad litem.**

18508 (1) (a) Except as provided in Subsection (1)(b), a claim arises when the statute of
 18509 limitations that would apply if the claim were against a private person begins to run.

18510 (b) The statute of limitations does not begin to run until a claimant knew, or with the
18511 exercise of reasonable diligence should have known:

- 18512 (i) that the claimant had a claim against the governmental entity or its employee; and
- 18513 (ii) the identity of the governmental entity or the name of the employee.

18514 (c) The burden to prove the exercise of reasonable diligence is upon the claimant.

18515 (2) Any person having a claim against a governmental entity, or against its employee
18516 for an act or omission occurring during the performance of the employee's duties, within the
18517 scope of employment, or under color of authority shall file a written notice of claim with the
18518 entity before maintaining an action, regardless of whether or not the function giving rise to the
18519 claim is characterized as governmental.

18520 (3) (a) The notice of claim shall set forth:

- 18521 (i) a brief statement of the facts;
- 18522 (ii) the nature of the claim asserted;
- 18523 (iii) the damages incurred by the claimant so far as they are known; and
- 18524 (iv) if the claim is being pursued against a governmental employee individually as
18525 provided in Subsection 63-30d-202(3)(c), the name of the employee.

18526 (b) The notice of claim shall be:

18527 (i) signed by the person making the claim or that person's agent, attorney, parent, or
18528 legal guardian; and

18529 (ii) directed and delivered by hand or by mail according to the requirements of Section
18530 68-3-8.5 to the office of:

18531 (A) the city or town clerk, when the claim is against an incorporated city or town;

18532 (B) the county clerk, when the claim is against a county;

18533 (C) the superintendent or business administrator of the board, when the claim is against
18534 a school district or board of education;

18535 (D) the presiding officer or secretary/clerk of the board, when the claim is against a
18536 ~~special~~ local district or special service district;

18537 (E) the attorney general, when the claim is against the State of Utah;

18538 (F) a member of the governing board, the executive director, or executive secretary,
18539 when the claim is against any other public board, commission, or body; or

18540 (G) the agent authorized by a governmental entity to receive the notice of claim by the
18541 governmental entity under Subsection (5)(e).

18542 (4) (a) If an injury that may reasonably be expected to result in a claim against a
18543 governmental entity is sustained by a claimant who is under the age of majority or mentally
18544 incompetent, that governmental entity may file a request with the court for the appointment of a
18545 guardian ad litem for the potential claimant.

18546 (b) If a guardian ad litem is appointed, the time for filing a claim under Section
18547 63-30d-402 begins when the order appointing the guardian is issued.

18548 (5) (a) Each governmental entity subject to suit under this chapter shall file a statement
18549 with the Division of Corporations and Commercial Code within the Department of Commerce
18550 containing:

- 18551 (i) the name and address of the governmental entity;
- 18552 (ii) the office or agent designated to receive a notice of claim; and
- 18553 (iii) the address at which it is to be directed and delivered.

18554 (b) Each governmental entity shall update its statement as necessary to ensure that the
18555 information is accurate.

18556 (c) The Division of Corporations and Commercial Code shall develop a form for
18557 governmental entities to complete that provides the information required by Subsection (5)(a).

18558 (d) (i) Newly incorporated municipalities shall file the statement required by
18559 Subsection (5)(a) at the time that the statement of incorporation and boundaries is filed with the
18560 lieutenant governor under Section 10-1-106.

18561 (ii) Newly incorporated [~~special~~] local districts shall file the statement required by
18562 Subsection (5)(a) at the time that the written notice [~~of creation of the district~~] is filed with the
18563 [~~State Tax Commission and State Auditor~~] lieutenant governor under [~~Sections 17A-1-102 and~~
18564 ~~17B-3-215~~] Section 17B-1-215.

18565 (e) A governmental entity may, in its statement, identify an agent authorized by the

18566 entity to accept notices of claim on its behalf.

18567 (6) The Division of Corporations and Commercial Code shall:

18568 (a) maintain an index of the statements required by this section arranged both
18569 alphabetically by entity and by county of operation; and

18570 (b) make the indices available to the public both electronically and via hard copy.

18571 (7) A governmental entity may not challenge the validity of a notice of claim on the
18572 grounds that it was not directed and delivered to the proper office or agent if the error is caused
18573 by the governmental entity's failure to file or update the statement required by Subsection (5).

18574 Section 433. Section **63-38-3.3** is amended to read:

18575 **63-38-3.3. Payment of fees prerequisite to service -- Exception.**

18576 (1) (a) State and county officers required by law to charge fees may not perform any
18577 official service unless the fees prescribed for that service are paid in advance.

18578 (b) When the fee is paid, the officer shall perform the services required.

18579 (c) An officer is liable upon the officer's official bond for every failure or refusal to
18580 perform an official duty when the fees are tendered.

18581 (2) (a) Except as provided in Subsection (2)(b), no fees may be charged:

18582 (i) to the officer's state, or any county or subdivision of the state;

18583 (ii) to any public officer acting for the state, county, or subdivision;

18584 (iii) in cases of habeas corpus;

18585 (iv) in criminal causes before final judgment;

18586 (v) for administering and certifying the oath of office;

18587 (vi) for swearing pensioners and their witnesses; or

18588 (vii) for filing and recording bonds of public officers.

18589 (b) Fees may be charged for payment:

18590 (i) of recording fees for [~~county and municipal improvement district~~] assessment area
18591 recordings in compliance with [~~Sections 17A-3-207 and 17A-3-307~~] Section 11-42-205;

18592 (ii) of recording fees for judgments recorded in compliance with Sections 57-3-106 and
18593 78-5-119; and

18594 (iii) to the state engineer under Section 73-2-14.

18595 Section 434. Section **63-38d-102** is amended to read:

18596 **63-38d-102. Definitions.**

18597 As used in this chapter:

18598 (1) "Committee" means the Resource Development Coordinating Committee created
18599 by this chapter.

18600 (2) "Director" means the chief administrative officer of the Governor's Office of
18601 Planning and Budget appointed as provided in this chapter.

18602 (3) "Office" means the Governor's Office of Planning and Budget created by this
18603 chapter.

18604 (4) "Political subdivision" means a county, municipality, [~~special~~] local district, special
18605 service district, school district, interlocal cooperation agreement entity, or any administrative
18606 subunit of them.

18607 (5) "State planning coordinator" means the person appointed as planning coordinator as
18608 provided in this chapter.

18609 Section 435. Section **63-38d-601** is amended to read:

18610 **63-38d-601. Definitions.**

18611 As used in this part:

18612 (1) "Coordinator" means the public lands policy coordinator appointed in this part.

18613 (2) "Council" means the Public Lands Policy Coordinating Council created by this part.

18614 (3) "Office" means the Public Lands Policy Coordinating Office created by this part.

18615 (4) "Political subdivision" means a county, municipality, [~~special~~] local district, special
18616 service district, school district, interlocal cooperation agreement entity, or any administrative
18617 subunit of them.

18618 (5) "State planning coordinator" means the person appointed under Subsection
18619 63-38d-202(1)(a)(ii).

18620 Section 436. Section **63-38f-2002** is amended to read:

18621 **63-38f-2002. Definitions.**

18622 As used in this part:

18623 (1) "Board" means the Board of Business and Economic Development created by
18624 Section 63-38f-301.

18625 (2) "Business incubator expense" means an expense relating to funding a program that
18626 is:

18627 (a) designed to provide business support services and resources to one or more
18628 business entities within a project area during the business entities' early stages of development;
18629 and

18630 (b) determined to be a business incubator by the board.

18631 (3) "Business rehabilitation expense" means an expense relating to the renovation or
18632 rehabilitation of an existing building within a project area as determined by the board.

18633 (4) "Debt service" means the payment of debt service on a bond issued to pay a:

18634 (a) business rehabilitation expense relating to a project; or

18635 (b) public infrastructure expense relating to a project.

18636 (5) "Eligible county" means a county of the third, fourth, fifth, or sixth class.

18637 (6) "Eligible expense" means an expense:

18638 (a) incurred by an eligible county;

18639 (b) relating to a project; and

18640 (c) that is:

18641 (i) a business incubator expense;

18642 (ii) debt service; or

18643 (iii) a public infrastructure expense.

18644 (7) "Project" means an economic development project:

18645 (a) as determined by the board; and

18646 (b) for which an eligible county applies to the board in accordance with this part for a
18647 loan or grant to assist the eligible county in paying an eligible expense.

18648 (8) "Project area" means the geographic area within which a project is implemented by
18649 an eligible county.

18650 (9) "Public infrastructure expense" means an expense relating to a publicly owned
18651 improvement located within a project area if:

- 18652 (a) the expense is:
- 18653 (i) incurred for:
- 18654 (A) construction;
- 18655 (B) demolition;
- 18656 (C) design;
- 18657 (D) engineering;
- 18658 (E) an environmental impact study;
- 18659 (F) environmental remediation; or
- 18660 (G) rehabilitation; or
- 18661 (ii) similar to an expense described in Subsection (9)(a)(i) as determined by the board;

18662 and

- 18663 (b) the publicly owned improvement is:
- 18664 (i) not a building as determined by the board; and
- 18665 (ii) necessary to support a project as determined by the board.

18666 (10) "Publicly owned improvement" means an improvement to real property if:

- 18667 (a) the real property is owned by:
- 18668 (i) the United States;
- 18669 (ii) the state; or
- 18670 (iii) a political subdivision:
- 18671 (A) as defined in Section [~~17B-2-101~~] 17B-1-102; and
- 18672 (B) of the state; and
- 18673 (b) the improvement relates to:
- 18674 (i) a sewage system including a system for collection, transport, storage, treatment,
18675 dispersal, effluent use, or discharge;
- 18676 (ii) a drainage or flood control system, including a system for collection, transport,
18677 diversion, storage, detention, retention, dispersal, use, or discharge;

18678 (iii) a water system including a system for production, collection, storage, treatment,
18679 transport, delivery, connection, or dispersal;

18680 (iv) a highway, street, or road system for vehicular use for travel, ingress, or egress;

18681 (v) a rail transportation system;

18682 (vi) a system for pedestrian use for travel, ingress, or egress;

18683 (vii) a public utility system including a system for electricity, gas, or

18684 telecommunications; or

18685 (viii) a system or device that is similar to a system or device described in Subsections
18686 (10)(b)(i) through (vii) as determined by the board.

18687 (11) "Restricted account" means the Business Development for Disadvantaged Rural
18688 Communities Restricted Account created by Section 63-38f-2003.

18689 Section 437. Section **63-51-2** is amended to read:

18690 **63-51-2. Definitions.**

18691 As used in this chapter:

18692 (1) "Commencement of construction" means any clearing of land, excavation, or
18693 construction but does not include preliminary site review, including soil tests, topographical
18694 surveys, exploratory drilling, boring or mining, or other preliminary tests.

18695 (2) "Developer" means any person engaged or to be engaged in industrial development
18696 or the development or utilization of natural resources in this state through a natural resource or
18697 industrial facility, including owners, contract purchases of owners, and persons who, as a lessee
18698 or under an agreement, are engaged or to be engaged in industrial development or the
18699 development or utilization of natural resources in this state through a natural resource or
18700 industrial facility.

18701 (3) "Major developer" means any developer whose proposed new or additional natural
18702 resource facility or industrial facility is projected:

18703 (a) To employ more than 500 people; or

18704 (b) To cause the population of an affected unit of local government to increase by more
18705 than 5%, the increase to include the primary work force of the facility and their dependents and

18706 the work force and dependents attributable to commercial and public service employment
18707 created by the presence of the facility.

18708 (4) "Natural resource facility" or "industrial facility" means any land, structure,
18709 building, plant, mine, road, installation, excavation, machinery, equipment, or device, or any
18710 addition to, reconstruction, replacement, or improvement of, land or an existing structure,
18711 building, plant, mine, road, installation, excavation, machinery, or device reasonably used,
18712 erected, constructed, acquired, or installed by any person, if a substantial purpose of or result of
18713 the use, erection, construction, acquisition, rental, lease, or installation is related to industrial
18714 development or the development or utilization of the natural resources in this state.

18715 (5) "Person" includes any individual, firm, co-partnership, joint venture, corporation,
18716 estate, trust, business trust, syndicate, or any group or combination acting as a unit.

18717 (6) "Unit of local government" means any county, municipality, school district,
18718 ~~[special]~~ local district, special service district, or any other political subdivision of the state.

18719 Section 438. Section **63-56-102** is amended to read:

18720 **63-56-102. Application of chapter.**

18721 (1) This chapter applies only to contracts solicited or entered into after the effective
18722 date of this chapter unless the parties agree to its application to a contract solicited or entered
18723 into prior to the effective date.

18724 (2) Except as provided in Section 63-56-103, this chapter shall apply to every
18725 expenditure of public funds irrespective of their source, including federal assistance, by any
18726 state agency under any contract.

18727 (3) (a) Only the following sections shall apply to local public procurement units:
18728 Sections 63-56-103, 63-56-105, 63-56-301, 63-56-303 through 63-56-420, 63-56-422,
18729 63-56-501 through 63-56-602, 63-56-801 through 63-56-806, and 63-56-815 through
18730 63-56-819; provided, however, that, except as provided in Sections 63-56-906 and 63-56-907,
18731 the jurisdiction of the procurement appeals board is limited to matters involving state agencies.

18732 (b) Subsections 63-56-208(1)(b), 63-56-503(4), and 63-56-504(2) also apply to local
18733 public procurement units.

18734 (c) For the purpose of application of those sections and subsections to a local public
18735 procurement unit, "state" shall mean "local public procurement unit," "chief procurement
18736 officer" or "head of a purchasing agency" shall mean any person conducting procurement for a
18737 local public procurement unit, and "rules and regulations" shall mean ordinances and rules and
18738 regulations promulgated by a local public procurement unit to implement or supplement those
18739 sections.

18740 (d) In addition to the sections and subsections listed above and except as provided in
18741 ~~[Section 17A-1-801]~~ Subsection 17B-1-108(3) relating to ~~[special]~~ local districts, each local
18742 public procurement unit shall adopt ordinances relating to the procurement of
18743 architect-engineer services not inconsistent with the provisions of Part 7, Architect-Engineer
18744 Services.

18745 (e) Any other section of this chapter, or its implementing regulations, may be adopted
18746 by any local public procurement unit.

18747 (f) Any other implementing regulations adopted by local public procurement units may
18748 not be inconsistent with the provisions of this chapter.

18749 (4) Unless otherwise provided by statute, this chapter does not apply to procurement of
18750 real property.

18751 Section 439. Section **63-56-201** is amended to read:

18752 **63-56-201. Creation of procurement policy board.**

18753 (1) (a) There is created a state procurement policy board.

18754 (b) The policy board shall consist of eight members who shall be appointed as follows:

18755 (i) an employee of a state institution of higher education, appointed by the board of
18756 regents;

18757 (ii) an employee of the Department of Human Services, appointed by the executive
18758 director of that department;

18759 (iii) an employee of the Department of Transportation, appointed by the executive
18760 director of that department;

18761 (iv) an employee of a school district appointed by a cooperative purchasing entity for

18762 school districts;

18763 (v) an employee of the Division of Facilities Construction and Management appointed
18764 by the director of that division;

18765 (vi) an employee of a county, appointed by the Utah Association of Counties;

18766 (vii) an employee of a city, appointed by the Utah League of Cities and Towns; and

18767 (viii) an employee of a [~~special~~] local district or special service district, appointed by
18768 the Utah Association of Special Districts.

18769 (c) Members of the policy board shall be knowledgeable and experienced in, and have
18770 supervisory responsibility for, procurement in their official positions.

18771 (2) Members shall be appointed to four-year staggered terms.

18772 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
18773 appointed for the unexpired term.

18774 (4) (a) The policy board shall:

18775 (i) adopt rules of procedure for conducting its business; and

18776 (ii) elect a chair to serve for one year.

18777 (b) The chair may be elected to succeeding terms.

18778 (c) The chief procurement officer shall serve as the nonvoting secretary to the policy
18779 board.

18780 (5) (a) (i) Members who are not government employees shall receive no compensation
18781 or benefits for their services, but may receive per diem and expenses incurred in the
18782 performance of the member's official duties at the rates established by the Division of Finance
18783 under Sections 63A-3-106 and 63A-3-107.

18784 (ii) Members may decline to receive per diem and expenses for their service.

18785 (b) (i) State government officer and employee members who do not receive salary, per
18786 diem, or expenses from their agency for their service may receive per diem and expenses
18787 incurred in the performance of their official duties from the board at the rates established by the
18788 Division of Finance under Sections 63A-3-106 and 63A-3-107.

18789 (ii) State government officer and employee members may decline to receive per diem

18790 and expenses for their service.

18791 (c) (i) Higher education members who do not receive salary, per diem, or expenses
18792 from the entity that they represent for their service may receive per diem and expenses incurred
18793 in the performance of their official duties from the committee at the rates established by the
18794 Division of Finance under Sections 63A-3-106 and 63A-3-107.

18795 (ii) Higher education members may decline to receive per diem and expenses for their
18796 service.

18797 (d) (i) Local government members who do not receive salary, per diem, or expenses
18798 from the entity that they represent for their service may receive per diem and expenses incurred
18799 in the performance of their official duties at the rates established by the Division of Finance
18800 under Sections 63A-3-106 and 63A-3-107.

18801 (ii) Local government members may decline to receive per diem and expenses for their
18802 service.

18803 Section 440. Section **63-90a-1** is amended to read:

18804 **63-90a-1. Definitions.**

18805 As used in this chapter:

18806 (1) "Constitutional taking issues" means actions involving the physical taking or
18807 exaction of private real property by a political subdivision that might require compensation to a
18808 private real property owner because of:

18809 (a) the Fifth or Fourteenth Amendment of the Constitution of the United States;

18810 (b) Article I, Section 22 of the Utah Constitution; or

18811 (c) any recent court rulings governing the physical taking or exaction of private real
18812 property by a government entity.

18813 (2) "Political subdivision" means a county, municipality, [~~special~~] local district, special
18814 service district, school district, or other local government entity.

18815 Section 441. Section **63-90b-102** is amended to read:

18816 **63-90b-102. Definitions.**

18817 As used in this chapter:

18818 (1) "Free exercise of religion" means an act or refusal to act that is substantially
18819 motivated by sincere religious belief, whether or not the act or refusal is compulsory or central
18820 to a larger system of religious belief, and includes the use, building, or conversion of real
18821 property for the purpose of religious exercise.

18822 (2) "Government entity" means the state, a county, a municipality, a higher education
18823 institution, a ~~[special]~~ local district, a special service district, any other political subdivision of
18824 the state, or any administrative subunit of any of them.

18825 (3) "Land use regulation" means any state or local law or ordinance, whether statutory
18826 or otherwise, that limits or restricts a person's use or development of land or a structure affixed
18827 to land.

18828 (4) "Person" means any individual, partnership, corporation, or other legal entity that
18829 owns an interest in real property.

18830 Section 442. Section **63-91-102** is amended to read:

18831 **63-91-102. Definitions.**

18832 As used in this chapter:

18833 (1) "Agency head" means a cabinet officer, an elected official, an executive director, or
18834 a board or commission vested with responsibility to administer or make policy for a state
18835 agency.

18836 (2) "Agency internal audit director" or "audit director" means the person appointed by
18837 the agency head, with the approval of the audit committee if one has been established, to direct
18838 the internal audit function for the state agency.

18839 (3) "Appointing authority" means:

18840 (a) the governor, for state agencies;

18841 (b) the Judicial Council, for judicial branch agencies;

18842 (c) the Board of Regents, for higher education entities; and

18843 (d) the State Board of Education, for the State Office of Education.

18844 (4) "Audit committee" means a standing committee whose members are appointed by
18845 an appointing authority:

18846 (a) from members of the agency governing board; and
18847 (b) from individuals who do not have administrative responsibilities within the agency
18848 who have the expertise to provide effective oversight of and advice about internal audit
18849 activities and services.

18850 (5) "Audit plan" means a list of audits to be performed by the internal audit
18851 organization within a specified period of time.

18852 (6) "Agency governing board" is any board or commission that has policy making and
18853 oversight responsibility over the agency, including the authority to appoint and remove the
18854 agency director.

18855 (7) "Higher education entity" means the board of regents, the institutional councils of
18856 each higher education institution, and each higher education institution.

18857 (8) "Internal audit" means an independent appraisal activity established within a state
18858 agency as a control system to examine and evaluate the adequacy and effectiveness of other
18859 control systems within the agency.

18860 (9) "Judicial branch agency" means each administrative entity of the judicial branch.

18861 (10) (a) "State agency" means:

18862 (i) each department, commission, board, council, agency, institution, officer,
18863 corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel,
18864 or other administrative unit of the state; and

18865 (ii) each state public education entity.

18866 (b) "State agency" does not mean:

18867 (i) a legislative branch agency;

18868 (ii) an independent agency;

18869 (iii) a county, municipality, school district, [~~or special~~] local district, or special service
18870 district; or

18871 (iv) any administrative subdivision of a county, municipality, school district, [~~or~~
18872 ~~special~~] local district, or special service district.

18873 Section 443. Section **63-93-102** is amended to read:

18874 **63-93-102. Definitions.**

18875 As used in this chapter:

18876 (1) "Attribution" means to be responsible for the truth, correctness, and accuracy of a
18877 report.

18878 (2) "Chief executive officer" means:

18879 (a) the governor, for the state;

18880 (b) the chair of the county commission or the county executive, for a county; and

18881 (c) the mayor, for a municipality, or if governed under a council-manager form of
18882 government, the chair of the council.

18883 (3) "Government entity" includes the state, its agencies and institutions, each county,
18884 municipality, school district, [~~and special~~] local district, and special service district in Utah.

18885 (4) "Promotional literature" means reports whose primary or secondary purpose is to
18886 provide nonresidents with information about the government entity that produced the report.

18887 (5) (a) "Report" means each account, statement, record of proceedings, summary of
18888 activities, and other written or printed document required by statute that is prepared or
18889 produced by a government entity that is distributed to the public.

18890 (b) "Report" does not mean written or printed documents whose primary purpose is to
18891 provide biographical information about government officials.

18892 Section 444. Section **63-96-102** is amended to read:

18893 **63-96-102. Definitions.**

18894 As used in this chapter:

18895 (1) (a) "Contribution" means any of the following:

18896 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
18897 value to a fund;

18898 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
18899 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
18900 anything of value to a fund; or

18901 (iii) any transfer of funds from another elected official or surrogate to the filing elected

18902 official's or surrogate's fund.

18903 (b) "Contribution" does not include money lent to the elected official or surrogate by a
18904 financial institution in the ordinary course of business.

18905 (2) "Disbursement" means monies, transfers, or other withdrawals from a fund for any
18906 purpose.

18907 (3) "Elected official" means each person elected to a state office, county office,
18908 municipal office, school board or school district office, [~~or special~~] local district office, or
18909 special service district office, but does not include judges standing for retention election.

18910 (4) (a) "Fund" means any sum of money or other resources, however titled or
18911 described, that is segregated, designated, or set aside for the use or benefit of an elected
18912 official.

18913 (b) "Fund" does not mean:

18914 (i) an elected official's or surrogate's private money or public money; or

18915 (ii) campaign funds or accounts established by candidates under the authority of Title
18916 20A, Chapter 11, Part 2, State Office Candidates -- Campaign Organization and Financial
18917 Reporting Requirements, Title 20A, Chapter 11, Part 3, Candidates for Legislative Office --
18918 Campaign Organization and Financial Reporting Requirements, and Title 20A, Chapter 11,
18919 Part 4, Officeholder Financial Reporting Requirement.

18920 (5) "Private money" means personal monies used to pay normal expenses for which an
18921 elected official or surrogate is personally liable for state and federal taxes.

18922 (6) "Public money" means monies controlled by an elected official or surrogate in their
18923 public capacity that are accounted for by a governmental entity.

18924 (7) "Surrogate" means any committee, party, organization, or other person or group
18925 who holds or maintains a fund for the benefit of an elected official.

18926 Section 445. Section **63A-9-401** is amended to read:

18927 **63A-9-401. Division -- Duties.**

18928 (1) The division shall:

18929 (a) perform all administrative duties and functions related to management of state

- 18930 vehicles;
- 18931 (b) coordinate all purchases of state vehicles;
- 18932 (c) establish one or more fleet automation and information systems for state vehicles;
- 18933 (d) make rules establishing requirements for:
 - 18934 (i) maintenance operations for state vehicles;
 - 18935 (ii) use requirements for state vehicles;
 - 18936 (iii) fleet safety and loss prevention programs;
 - 18937 (iv) preventative maintenance programs;
 - 18938 (v) procurement of state vehicles, including vehicle standards, alternative fuel vehicle
 - 18939 requirements, short-term lease programs, equipment installation, and warranty recovery
 - 18940 programs;
 - 18941 (vi) fuel management programs;
 - 18942 (vii) cost management programs;
 - 18943 (viii) business and personal use practices, including commute standards;
 - 18944 (ix) cost recovery and billing procedures;
 - 18945 (x) disposal of state vehicles;
 - 18946 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;
 - 18947 (xii) standard use and rate structures for state vehicles; and
 - 18948 (xiii) insurance and risk management requirements;
- 18949 (e) establish a parts inventory;
- 18950 (f) create and administer a fuel dispensing services program that meets the
- 18951 requirements of Subsection (2);
- 18952 (g) emphasize customer service when dealing with agencies and agency employees;
- 18953 (h) conduct an annual audit of all state vehicles for compliance with division
- 18954 requirements;
- 18955 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a
- 18956 subscriber of services other than an executive branch agency:
 - 18957 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established

18958 in Section 63A-1-114; and

18959 (ii) obtain the approval of the Legislature as required by Section 63-38-3.5; and

18960 (j) conduct a market analysis by July 1, 2005, and periodically thereafter, of proposed

18961 rates and fees, which analysis shall include a comparison of the division's rates and fees with

18962 the fees of other public or private sector providers where comparable services and rates are

18963 reasonably available.

18964 (2) The division shall operate a fuel dispensing services program in a manner that:

18965 (a) reduces the risk of environmental damage and subsequent liability for leaks

18966 involving state-owned underground storage tanks;

18967 (b) eliminates fuel site duplication and reduces overall costs associated with fuel

18968 dispensing;

18969 (c) provides efficient fuel management and efficient and accurate accounting of

18970 fuel-related expenses;

18971 (d) where practicable, privatizes portions of the state's fuel dispensing system;

18972 (e) provides central planning for fuel contingencies;

18973 (f) establishes fuel dispensing sites that meet geographical distribution needs and that

18974 reflect usage patterns;

18975 (g) where practicable, uses alternative sources of energy; and

18976 (h) provides safe, accessible fuel supplies in an emergency.

18977 (3) The division shall:

18978 (a) ensure that the state and each of its agencies comply with state and federal law and

18979 state and federal rules and regulations governing underground storage tanks;

18980 (b) coordinate the installation of new state-owned underground storage tanks and the

18981 upgrading or retrofitting of existing underground storage tanks; and

18982 (c) ensure that counties, municipalities, school districts, [~~and special~~] local districts,

18983 and special service districts subscribing to services provided by the division sign a contract

18984 that:

18985 (i) establishes the duties and responsibilities of the parties;

- 18986 (ii) establishes the cost for the services; and
- 18987 (iii) defines the liability of the parties.
- 18988 (4) The executive director of the Department of Administrative Services may make
- 18989 rules governing fuel dispensing according to the procedures and requirements of Title 63,
- 18990 Chapter 46a, Utah Administrative Rulemaking Act.
- 18991 (5) (a) (i) Each state agency and each higher education institution shall subscribe to the
- 18992 fuel dispensing services provided by the division.
- 18993 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,
- 18994 systems, or products other than those provided by the division.
- 18995 (b) Counties, municipalities, school districts, ~~special~~ local districts, special service
- 18996 districts, and federal agencies may subscribe to the fuel dispensing services provided by the
- 18997 division if:
- 18998 (i) the county or municipal legislative body, the school district, or the ~~special~~ local
- 18999 district or special service district board recommends that the county, municipality, school
- 19000 district, ~~or special~~ local district, or special service district subscribe to the fuel dispensing
- 19001 services of the division; and
- 19002 (ii) the division approves participation in the program by that government unit.
- 19003 (6) The director, with the approval of the executive director, may delegate functions to
- 19004 institutions of higher education, by contract or other means authorized by law, if:
- 19005 (a) the agency or institution of higher education has requested the authority;
- 19006 (b) in the judgment of the director, the state agency or institution has the necessary
- 19007 resources and skills to perform the delegated responsibilities; and
- 19008 (c) the delegation of authority is in the best interest of the state and the function
- 19009 delegated is accomplished according to provisions contained in law or rule.
- 19010 Section 446. Section **63C-7-103** is amended to read:
- 19011 **63C-7-103. Definitions.**
- 19012 As used in this chapter:
- 19013 (1) "Board" means the Utah Communications Agency Network Board created in

19014 Section 63C-7-201.

19015 (2) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase
19016 agreements, or other evidences of indebtedness or borrowing issued or incurred by the Utah
19017 Communications Agency Network pursuant to this chapter.

19018 (3) "Communications network" means a regional or statewide public safety
19019 governmental communications network and related facilities, including real property,
19020 improvements, and equipment necessary for the acquisition, construction, and operation of the
19021 services and facilities.

19022 (4) "Effective date" means the first date after which the Utah Communications Agency
19023 Network is officially created and shall be the first date after which:

19024 (a) at least ten public agencies have submitted to the Utah Communications Agency
19025 Network office the membership resolutions required to become a member; and

19026 (b) the governor has appointed the four state representatives to the executive
19027 committee.

19028 (5) "Executive Committee" means the administrative body of the Utah
19029 Communications Agency Network created in Section 63C-7-205.

19030 (6) "Lease" means any lease, lease purchase, sublease, operating, management, or
19031 similar agreement.

19032 (7) "Member" means a public agency which:

19033 (a) adopts a membership resolution to be included within the Utah Communications
19034 Agency Network; and

19035 (b) submits an originally executed copy of an authorizing resolution to the Utah
19036 Communications Agency Network office.

19037 (8) "Member representative" means a person or that person's designee appointed by the
19038 governing body of each member.

19039 (9) "Public agency" means any political subdivision of the state, including cities,
19040 towns, counties, school districts, ~~[and special]~~ local districts, and special service districts,
19041 dispatched by a public safety answering point.

19042 (10) "Public safety answering point" means an organization, entity, or combination of
19043 entities which have joined together to form a central answering point for the receipt,
19044 management, and dissemination to the proper responding agency, of emergency and
19045 nonemergency communications, including 911 calls, police, fire, emergency medical,
19046 transportation, parks, wildlife, corrections, and any other governmental communications.

19047 (11) "State" means the state of Utah.

19048 (12) "State representative" means:

19049 (a) the four appointees of the governor or their designees; and

19050 (b) the Utah State Treasurer or his designee.

19051 Section 447. Section **63D-2-102** is amended to read:

19052 **63D-2-102. Definitions.**

19053 As used in this chapter:

19054 (1) (a) "Collect" means the gathering of personally identifiable information:

19055 (i) from a user of a governmental website; or

19056 (ii) about a user of the governmental website.

19057 (b) "Collect" includes use of any identifying code linked to a user of a governmental
19058 website.

19059 (2) "Court website" means a website on the Internet that is operated by or on behalf of
19060 any court created in Title 78, Judicial Code.

19061 (3) "Governmental entity" means:

19062 (a) an executive branch agency as defined in Section 63D-1a-102;

19063 (b) the legislative branch;

19064 (c) the judicial branch;

19065 (d) the State Board of Education;

19066 (e) the Board of Regents;

19067 (f) an institution of higher education; and

19068 (g) a political subdivision of the state:

19069 (i) as defined in Section [~~17B-2-101~~] 17B-1-102; and

- 19070 (ii) including a school district.
- 19071 (4) (a) "Governmental website" means a website on the Internet that is operated by or
19072 on behalf of a governmental entity.
- 19073 (b) "Governmental website" includes a court website.
- 19074 (5) "Governmental website operator" means a governmental entity or person acting on
19075 behalf of the governmental entity that:
- 19076 (a) operates a governmental website; and
- 19077 (b) collects or maintains personally identifiable information from or about a user of that
19078 website.
- 19079 (6) "Personally identifiable information" means information that identifies:
- 19080 (a) a user by:
- 19081 (i) name;
- 19082 (ii) account number;
- 19083 (iii) physical address;
- 19084 (iv) email address;
- 19085 (v) telephone number;
- 19086 (vi) Social Security number;
- 19087 (vii) credit card information; or
- 19088 (viii) bank account information;
- 19089 (b) a user as having requested or obtained specific materials or services from a
19090 governmental website;
- 19091 (c) Internet sites visited by a user; or
- 19092 (d) any of the contents of a user's data-storage device.
- 19093 (7) "User" means a person who accesses a governmental website.
- 19094 Section 448. Section **63E-1-102** is amended to read:
- 19095 **63E-1-102. Definitions.**
- 19096 As used in this title:
- 19097 (1) "Authorizing statute" means the statute creating an entity as an independent entity.

19098 (2) "Committee" means the Retirement and Independent Entities Committee created in
19099 Section 63E-1-201.

19100 (3) "Independent corporation" means a corporation incorporated in accordance with
19101 Chapter 2, Independent Corporations Act.

19102 (4) (a) "Independent entity" means an entity having a public purpose relating to the
19103 state or its citizens that is individually created by the state or is given by the state the right to
19104 exist and conduct its affairs as an:

19105 (i) independent state agency; or

19106 (ii) independent corporation.

19107 (b) "Independent entity" includes the:

19108 (i) Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;

19109 (ii) Heber Valley Railroad Authority created in Title 9, Chapter 3, Part 3, Heber Valley
19110 Historic Railroad Authority;

19111 (iii) Utah Science Center Authority created in Title 9, Chapter 3, Part 4, Utah Science
19112 Center Authority;

19113 (iv) Utah Housing Corporation created in Title 9, Chapter 4, Part 9, Utah Housing
19114 Corporation Act;

19115 (v) Utah State Fair Corporation created in Title 9, Chapter 4, Part 11, Utah State Fair
19116 Corporation Act;

19117 (vi) Workers' Compensation Fund created in Title 31A, Chapter 33, Workers'
19118 Compensation Fund;

19119 (vii) Utah State Retirement Office created in Title 49, Chapter 11, Utah State
19120 Retirement Systems Administration;

19121 (viii) School and Institutional Trust Lands Administration created in Title 53C, Chapter
19122 1, Part 2, School and Institutional Trust Lands Administration;

19123 (ix) Utah Communications Agency Network created in Title 63C, Chapter 7, Utah
19124 Communications Agency Network Act; and

19125 (x) Utah Capital Investment Corporation created in Title 63, Chapter 38f, Part 12, Utah

19126 Venture Capital Enhancement Act.

19127 (c) Notwithstanding this Subsection (4), "independent entity" does not include:

19128 (i) the Public Service Commission of Utah created in Section 54-1-1;

19129 (ii) an institution within the state system of higher education;

19130 (iii) a city, county, or town;

19131 (iv) a local school district;

19132 [~~(v) a special district created under the authority of Title 17A, Special Districts; or~~]

19133 [~~(vi)~~] (v) a local district [created] under [the authority of] Title 17B, Limited Purpose

19134 Local Government Entities[-] - Local Districts; or

19135 (vi) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service

19136 District Act.

19137 (5) "Independent state agency" means an entity that is created by the state, but is

19138 independent of the governor's direct supervisory control.

19139 (6) "Monies held in trust" means monies maintained for the benefit of:

19140 (a) one or more private individuals, including public employees;

19141 (b) one or more public or private entities; or

19142 (c) the owners of a quasi-public corporation.

19143 (7) "Public corporation" means an artificial person, public in ownership, individually

19144 created by the state as a body politic and corporate for the administration of a public purpose

19145 relating to the state or its citizens.

19146 (8) "Quasi-public corporation" means an artificial person, private in ownership,

19147 individually created as a corporation by the state which has accepted from the state the grant of

19148 a franchise or contract involving the performance of a public purpose relating to the state or its

19149 citizens.

19150 Section 449. Section **63F-1-507** is amended to read:

19151 **63F-1-507. State Geographic Information Database.**

19152 (1) There is created a State Geographic Information Database to be managed by the

19153 center.

- 19154 (2) The database shall:
- 19155 (a) serve as the central reference for all information contained in any GIS database by
- 19156 any state agency;
- 19157 (b) serve as a clearing house and repository for all data layers required by multiple
- 19158 users;
- 19159 (c) serve as a standard format for geographic information acquired, purchased, or
- 19160 produced by any state agency; and
- 19161 (d) include an accurate representation of all civil subdivision boundaries of the state.

- 19162 (3) Each state agency that acquires, purchases, or produces digital geographic
- 19163 information data shall:
- 19164 (a) inform the center of the existence of the data layers and their geographic extent;
- 19165 (b) allow the center access to all data classified public; and
- 19166 (c) comply with any database requirements established by the center.
- 19167 (4) At least annually, the State Tax Commission shall deliver to the center information
- 19168 the State Tax Commission receives under Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,
- 19169 17-2-9, 17-3-3, [~~17A-1-102, 17B-2-215~~] 17B-1-215, and 17C-1-201 relating to the creation or
- 19170 modification of the boundaries of the political subdivisions that are the subject of those
- 19171 sections.

19172 Section 450. Section **67-1a-6.5** is amended to read:

19173 **67-1a-6.5. Lieutenant governor certification of governmental entity creation,**

19174 **consolidation, division, dissolution, or boundary change.**

- 19175 (1) As used in this section:
- 19176 (a) "AGRC" means the Automated Geographic Reference Center created under Section
- 19177 63F-1-506.
- 19178 (b) "Boundary change" means the adjustment of an entity's boundary either through
- 19179 gaining territory (annexation), losing territory (withdrawal), adjusting the common boundary
- 19180 with an adjacent entity (may gain territory, lose territory, or a combination of both gaining and
- 19181 losing territory), or any other adjustment of the entity's boundary.

19182 (c) "Consolidation" means the combining of two or more entities into a single entity
19183 such that the consolidated entity's boundary contains all of the territory of the original entities,
19184 but no additional territory.

19185 (d) "County attorney" means the county attorney of each county which contains any
19186 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
19187 change.

19188 (e) (i) "County auditor" means the county auditor of each county which contains any
19189 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
19190 change.

19191 (ii) If the county does not have a county auditor, "county auditor" means the county
19192 clerk or other government official acting as the county auditor.

19193 (f) "County recorder" means the county recorder of each county which contains any
19194 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
19195 change.

19196 (g) "County surveyor" means the county surveyor of each county which contains any
19197 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
19198 change.

19199 (h) "Creation" means the forming of a new entity where that entity did not exist before
19200 its creation.

19201 (i) "Dissolution" means the disbandment of an entity.

19202 (j) "Division" means the dividing of one entity into two or more entities such that the
19203 original entity's boundary contains all of the territory of the resultant entities, but no additional
19204 territory.

19205 (k) "Entity" means the entity that is created, consolidated, divided, dissolved, or whose
19206 boundary is changed.

19207 (l) "Initiating body" means the county legislative body, municipal legislative body,
19208 [~~special district board,~~] local district or special service district board, court, public official, or
19209 other authorized person that initiates the creation, dissolution, consolidation, or boundary

19210 change of an entity or entities.

19211 (m) "Notice of entity boundary change" means the notice the lieutenant governor
19212 receives under Subsection 10-1-116(1), 10-2-419(4), 10-2-425(1), 10-2-507(1), 17-2-9(2),
19213 17-2-13(3), 17-50-104(3), 17-50-105(1)(b) or (2)(e), 17A-2-1327(4), [~~17B-2-514~~]
19214 17B-1-414(2), [~~17B-2-516~~] 17B-1-417(6), [~~17B-2-610~~] 17B-1-512(1), or 53A-2-101.5(1) of an
19215 entity's pending boundary change.

19216 (n) "Notice of entity consolidation" means the notice the lieutenant governor receives
19217 under Section 10-2-610 or Subsection 10-1-116(1) or 17-2-4(2) of entities' pending
19218 consolidation.

19219 (o) "Notice of entity creation" means the notice the lieutenant governor receives under
19220 Subsection 10-1-116(1), 10-2-119(1), 10-2-125(6), 11-13-204(4), 11-13-205(6),
19221 17A-2-1311(2), [~~17B-2-215~~] 17B-1-215(1), 17C-1-201(2), or 53A-2-101.5(1) of an entity's
19222 pending creation.

19223 (p) "Notice of entity dissolution" means the notice the lieutenant governor receives
19224 under Subsection 10-1-116(1), 10-2-712(2), 17A-2-1329(3), [~~17B-2-708~~] 17B-1-1308(4), or
19225 17C-1-701(2)(a) of an entity's pending dissolution.

19226 (q) "Notice of entity division" means the notice the lieutenant governor receives under
19227 Subsection 17-3-3(3) of an entity's pending division.

19228 (r) "Notice of intention to file articles of incorporation" means the notice the lieutenant
19229 governor receives under Subsection 10-2-120(1).

19230 (s) "Lieutenant governor" means the lieutenant governor created in Article VII, Section
19231 1 of the Utah Constitution.

19232 (t) "State auditor" means the state auditor created in Article VII, Section 1 of the Utah
19233 Constitution.

19234 (u) "State Tax Commission" means the State Tax Commission created in Article XIII,
19235 Section 6 of the Utah Constitution.

19236 (2) Within ten days after receiving a notice of entity creation, the lieutenant governor
19237 shall:

19238 (a) issue a certificate of entity creation;

19239 (b) (i) send a copy of the certificate issued under Subsection (2)(a) and a copy of the
19240 notice of entity creation, including the accompanying map or legal description, to the State Tax
19241 Commission, AGRC, county recorder, county surveyor, county auditor, and county attorney;
19242 and

19243 (ii) send a copy of the certificate issued under Subsection (2)(a) to the state auditor; and

19244 (c) send to the initiating body a copy of the certificate issued under Subsection (2)(a)
19245 and a statement indicating completion of Subsection (2)(b).

19246 (3) Within ten days after receiving a notice of intention to file articles of incorporation,
19247 the lieutenant governor shall:

19248 (a) issue a certificate indicating receipt of a notice of intention to file articles of
19249 incorporation;

19250 (b) (i) send a copy of the certificate issued under Subsection (3)(a) and a copy of the
19251 notice of intention to file articles of incorporation, including the accompanying map or legal
19252 description, to the State Tax Commission, AGRC, county recorder, county surveyor, county
19253 auditor, and county attorney; and

19254 (ii) send a copy of the certificate issued under Subsection (3)(a) to the state auditor; and

19255 (c) send to the initiating body a copy of the certificate issued under Subsection (3)(a)
19256 and a statement indicating completion of Subsection (3)(b).

19257 (4) Within ten days after receiving a notice of entity consolidation, the lieutenant
19258 governor shall:

19259 (a) issue a certificate of entity consolidation;

19260 (b) (i) send a copy of the certificate issued under Subsection (4)(a) and a copy of the
19261 notice of entity consolidation to the State Tax Commission, AGRC, county recorder, county
19262 surveyor, county auditor, and county attorney; and

19263 (ii) send a copy of the certificate issued under Subsection (4)(a) to the state auditor; and

19264 (c) send to the initiating body and the entities being consolidated, if different from the
19265 initiating body, a copy of the certificate issued under Subsection (4)(a) and a statement

19266 indicating completion of Subsection (4)(b).

19267 (5) Within ten days after receiving a notice of entity division, the lieutenant governor
19268 shall:

19269 (a) issue a certificate of entity division;

19270 (b) (i) send a copy of the certificate issued under Subsection (5)(a) and a copy of the
19271 notice of entity consolidation, including the accompanying map or legal description, to the
19272 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
19273 attorney; and

19274 (ii) send a copy of the certificate issued under Subsection (5)(a) to the state auditor; and

19275 (c) send to the initiating body a copy of the certificate issued under Subsection (5)(a)
19276 and a statement indicating completion of Subsection (5)(b).

19277 (6) Within ten days after receiving a notice of entity dissolution, the lieutenant
19278 governor shall:

19279 (a) issue a certificate of entity dissolution;

19280 (b) (i) send a copy of the certificate issued under Subsection (6)(a) and a copy of the
19281 notice of entity dissolution to the State Tax Commission, AGRC, county recorder, county
19282 surveyor, county auditor, and county attorney; and

19283 (ii) send a copy of the certificate issued under Subsection (6)(a) to the state auditor; and

19284 (c) send to the initiating body and the entity being dissolved, if different than the
19285 initiating body, a copy of the certificate issued under Subsection (6)(a) and a statement
19286 indicating completion of Subsection (6)(b).

19287 (7) Within ten days after receiving a notice of entity boundary change, the lieutenant
19288 governor shall:

19289 (a) issue a certificate of entity boundary change;

19290 (b) send a copy of the certificate issued under Subsection (7)(a) and a copy of the
19291 notice of entity boundary change, including the accompanying map or legal description, to the
19292 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
19293 attorney; and

19294 (c) send to the initiating body or bodies, and each entity whose boundary is changed, if
19295 different than the initiating body, a copy of the certificate issued under Subsection (7)(a) and a
19296 statement indicating completion of Subsection (7)(b).

19297 (8) (a) The lieutenant governor shall keep, index, maintain, and make available to the
19298 public certificates, notices, maps, and other documents necessary in performing the duties of
19299 Subsections (2) through (7).

19300 (b) The lieutenant governor shall furnish a certified copy of documents to any person
19301 who requests a certified copy.

19302 (c) The lieutenant governor may charge a reasonable fee for copies of documents or
19303 certified copies of documents.

19304 Section 451. Section **67-3-1** is amended to read:

19305 **67-3-1. Functions and duties.**

19306 (1) (a) The state auditor is the auditor of public accounts and is independent of any
19307 executive or administrative officers of the state.

19308 (b) The state auditor is not limited in the selection of personnel or in the determination
19309 of the reasonable and necessary expenses of his office.

19310 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
19311 financial statements showing:

19312 (a) the condition of the state's finances;

19313 (b) the revenues received or accrued;

19314 (c) expenditures paid or accrued;

19315 (d) the amount of unexpended or unencumbered balances of the appropriations to the
19316 agencies, departments, divisions, commissions, and institutions; and

19317 (e) the cash balances of the funds in the custody of the state treasurer.

19318 (3) (a) The state auditor shall:

19319 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of
19320 any department of state government or any independent agency or public corporation as the law
19321 requires, as the auditor determines is necessary, or upon request of the governor or the

19322 Legislature;

19323 (ii) perform the audits in accordance with generally accepted auditing standards and

19324 other auditing procedures as promulgated by recognized authoritative bodies;

19325 (iii) as the auditor determines is necessary, conduct the audits to determine:

19326 (A) honesty and integrity in fiscal affairs;

19327 (B) accuracy and reliability of financial statements;

19328 (C) effectiveness and adequacy of financial controls; and

19329 (D) compliance with the law.

19330 (b) If any state entity receives federal funding, the state auditor shall ensure that the

19331 audit is performed in accordance with federal audit requirements.

19332 (c) (i) The costs of the federal compliance portion of the audit may be paid from an

19333 appropriation to the state auditor from the General Fund.

19334 (ii) If an appropriation is not provided, or if the federal government does not

19335 specifically provide for payment of audit costs, the costs of the federal compliance portions of

19336 the audit shall be allocated on the basis of the percentage that each state entity's federal funding

19337 bears to the total federal funds received by the state.

19338 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit

19339 funds passed through the state to local governments and to reflect any reduction in audit time

19340 obtained through the use of internal auditors working under the direction of the state auditor.

19341 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to

19342 financial audits, and as the auditor determines is necessary, conduct performance and special

19343 purpose audits, examinations, and reviews of any entity that receives public funds, including a

19344 determination of any or all of the following:

19345 (i) the honesty and integrity of all its fiscal affairs;

19346 (ii) whether or not its administrators have faithfully complied with legislative intent;

19347 (iii) whether or not its operations have been conducted in an efficient, effective, and

19348 cost-efficient manner;

19349 (iv) whether or not its programs have been effective in accomplishing the intended

19350 objectives; and

19351 (v) whether or not its management, control, and information systems are adequate and
19352 effective.

19353 (b) The auditor may not conduct performance and special purpose audits,
19354 examinations, and reviews of any entity that receives public funds if the entity:

19355 (i) has an elected auditor; and

19356 (ii) has, within the entity's last budget year, had its financial statements or performance
19357 formally reviewed by another outside auditor.

19358 (5) The state auditor shall administer any oath or affirmation necessary to the
19359 performance of the duties of the auditor's office, and may subpoena witnesses and documents,
19360 whether electronic or otherwise, and examine into any matter that the auditor considers
19361 necessary.

19362 (6) The state auditor may require all persons who have had the disposition or
19363 management of any property of this state or its political subdivisions to submit statements
19364 regarding it at the time and in the form that the auditor requires.

19365 (7) The state auditor shall:

19366 (a) except where otherwise provided by law, institute suits in Salt Lake County in
19367 relation to the assessment, collection, and payment of its revenues against:

19368 (i) persons who by any means have become entrusted with public monies or property
19369 and have failed to pay over or deliver those monies or property; and

19370 (ii) all debtors of the state;

19371 (b) collect and pay into the state treasury all fees received by the state auditor;

19372 (c) perform the duties of a member of all boards of which the state auditor is a member
19373 by the constitution or laws of the state, and any other duties that are prescribed by the
19374 constitution and by law;

19375 (d) stop the payment of the salary of any state official or state employee who:

19376 (i) refuses to settle accounts or provide required statements about the custody and
19377 disposition of public funds or other state property;

19378 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
19379 board or department head with respect to the manner of keeping prescribed accounts or funds;
19380 or

19381 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
19382 official's or employee's attention;

19383 (e) establish accounting systems, methods, and forms for public accounts in all taxing
19384 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

19385 (f) superintend the contractual auditing of all state accounts;

19386 (g) subject to Subsection (8), withhold state allocated funds or the disbursement of
19387 property taxes from any state taxing or fee-assessing unit, if necessary, to ensure that officials
19388 and employees in those taxing units of the state comply with state laws and procedures in the
19389 budgeting, expenditures, and financial reporting of public funds; and

19390 (h) subject to Subsection (9), withhold the disbursement of tax monies from any
19391 county, if necessary, to ensure that officials and employees in the county comply with Section
19392 59-2-303.1.

19393 (8) Except as otherwise provided by law, the state auditor may not withhold funds
19394 under Subsection (7)(g) until a taxing or fee-assessing unit has received formal written notice
19395 of noncompliance from the auditor and has been given 60 days to make the specified
19396 corrections.

19397 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
19398 received formal written notice of noncompliance from the auditor and has been given 60 days
19399 to make the specified corrections.

19400 (10) The state auditor shall:

19401 (a) establish audit guidelines and procedures for audits of local mental health and
19402 substance abuse authorities and their contract providers, conducted pursuant to Title 17,
19403 Chapter 43, Parts 2, Local Substance Abuse Authorities and 3, Local Mental Health
19404 Authorities, Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal
19405 Organizations, and Other Local Entities Act, and Title 62A, Chapter 15, Substance Abuse and

19406 Mental Health Act; and

19407 (b) ensure that those guidelines and procedures provide assurances to the state that:

19408 (i) state and federal funds appropriated to local mental health authorities are used for
19409 mental health purposes;

19410 (ii) a private provider under an annual or otherwise ongoing contract to provide
19411 comprehensive mental health programs or services for a local mental health authority is in
19412 compliance with state and local contract requirements, and state and federal law;

19413 (iii) state and federal funds appropriated to local substance abuse authorities are used
19414 for substance abuse programs and services; and

19415 (iv) a private provider under an annual or otherwise ongoing contract to provide
19416 comprehensive substance abuse programs or services for a local substance abuse authority is in
19417 compliance with state and local contract requirements, and state and federal law.

19418 (11) The state auditor may, in accordance with the auditor's responsibilities for political
19419 subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political
19420 Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or
19421 investigations of any political subdivision that are necessary to determine honesty and integrity
19422 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of
19423 financial controls and compliance with the law.

19424 (12) (a) The state auditor may not audit work that the state auditor performed before
19425 becoming state auditor.

19426 (b) If the state auditor has previously been a responsible official in state government
19427 whose work has not yet been audited, the Legislature shall:

19428 (i) designate how that work shall be audited; and

19429 (ii) provide additional funding for those audits, if necessary.

19430 (13) The state auditor shall:

19431 (a) with the assistance, advice, and recommendations of an advisory committee
19432 appointed by the state auditor from among local district boards of trustees, officers, and
19433 employees and special service district boards, officers, and employees:

19434 (i) prepare a Uniform Accounting Manual for Local Districts that:
19435 (A) prescribes a uniform system of accounting and uniform budgeting and reporting
19436 procedures for local districts under Title 17B, Limited Purpose Local Government Entities -
19437 Local Districts, and special service districts under Title 17A, Chapter 2, Part 13, Utah Special
19438 Service District Act;
19439 (B) conforms with generally accepted accounting principles; and
19440 (C) prescribes reasonable exceptions and modifications for smaller districts to the
19441 uniform system of accounting, budgeting, and reporting;
19442 (ii) maintain the manual under Subsection (13)(a) so that it continues to reflect
19443 generally accepted accounting principles;
19444 (iii) conduct a continuing review and modification of procedures in order to improve
19445 them;
19446 (iv) prepare and supply each district with suitable budget and reporting forms; and
19447 (v) prepare instructional materials, conduct training programs, and render other
19448 services considered necessary to assist local districts and special service districts in
19449 implementing the uniform accounting, budgeting, and reporting procedures; and
19450 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
19451 and experiences of specific local districts and special service districts selected by the state
19452 auditor and make the information available to all districts.
19453 [~~13~~] (14) (a) The following records in the custody or control of the state auditor are
19454 protected records under Title 63, Chapter 2, Government Records Access and Management
19455 Act:
19456 (i) records that would disclose information relating to allegations of personal
19457 misconduct, gross mismanagement, or illegal activity of a past or present governmental
19458 employee if the information or allegation cannot be corroborated by the state auditor through
19459 other documents or evidence, and the records relating to the allegation are not relied upon by
19460 the state auditor in preparing a final audit report;
19461 (ii) records and audit workpapers to the extent they would disclose the identity of a

19462 person who during the course of an audit, communicated the existence of any waste of public
19463 funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation
19464 adopted under the laws of this state, a political subdivision of the state, or any recognized entity
19465 of the United States, if the information was disclosed on the condition that the identity of the
19466 person be protected;

19467 (iii) before an audit is completed and the final audit report is released, records or drafts
19468 circulated to a person who is not an employee or head of a governmental entity for their
19469 response or information;

19470 (iv) records that would disclose an outline or part of any audit survey plans or audit
19471 program; and

19472 (v) requests for audits, if disclosure would risk circumvention of an audit.

19473 (b) The provisions of Subsections [~~(13)~~] (14)(a)(i), (ii), and (iii) do not prohibit the
19474 disclosure of records or information that relate to a violation of the law by a governmental
19475 entity or employee to a government prosecutor or peace officer.

19476 (c) The provisions of this Subsection [~~(13)~~] (14) do not limit the authority otherwise
19477 given to the state auditor to classify a document as public, private, controlled, or protected
19478 under Title 63, Chapter 2, Government Records Access and Management Act.

19479 Section 452. Section **67-11-2** is amended to read:

19480 **67-11-2. Definitions.**

19481 For the purposes of this chapter:

19482 (a) "Wages" means all remuneration for employment as defined herein, including the
19483 cash value of all remuneration paid in any medium other than cash, except that such term shall
19484 not include "sick pay" as that term is defined in this section and shall not include that part of
19485 such remuneration which, even if it were for "employment" within the meaning of the Federal
19486 Insurance Contributions Act, would not constitute "wages" within the meaning of that act.

19487 (b) "Sick pay" means payments made to employees on account of sickness or accident
19488 disability under a sick leave plan of the type outlined in Subsections 209(b) and 209(d) of the
19489 Social Security Act.

19490 (c) "Employment" means any service performed by an employee in the employ of the
19491 state, or any political subdivision thereof, for such employer, except:

19492 (1) service which in the absence of an agreement entered into under this chapter would
19493 constitute "employment" as defined in the Social Security Act;

19494 (2) service which under the Social Security Act may not be included in an agreement
19495 between the state and federal security administrator entered into under this act;

19496 (3) services of an emergency nature, service in any class or classes of positions the
19497 compensation for which is on a fee basis, performed (A) by employees of the state, or (B) if so
19498 provided in the plan submitted under Section 67-11-5, by a political subdivision of the state, by
19499 an employee of such subdivision;

19500 (4) services performed by students employed by a public school, college, or university
19501 at which they are enrolled and which they are attending on a full-time basis;

19502 (5) part-time services performed by election workers, i.e., judges of election and
19503 registrars; or

19504 (6) services performed by voluntary firemen, except when such services are
19505 prescheduled for a specific period of duty.

19506 (d) "Employee" includes an elective or appointive officer or employee of a state or
19507 political subdivision thereof.

19508 (e) "State agency" means the Division of Finance, referred to herein as the state agency.

19509 (f) "Federal security administrator" includes any individual to whom the federal
19510 security administrator has delegated any of his functions under the Social Security Act with
19511 respect to coverage under such act of employees of states and their political subdivisions.

19512 (g) "Political subdivision" includes an instrumentality of the state, of one or more of its
19513 political subdivisions, or of the state and one or more of its political subdivisions, including
19514 leagues or associations thereof, but only if such instrumentality is a juristic entity which is
19515 legally separate and distinct from the state or subdivision and only if its employees are not by
19516 virtue of their relation to such juristic entity employees of the state or subdivision. The term
19517 shall include [~~special~~] local districts, special service districts, or authorities created by the

19518 Legislature or local governments such as, but not limited to, mosquito abatement districts,
19519 sewer or water districts, and libraries.

19520 (h) "Social Security Act" means the Act of Congress approved August 14, 1935,
19521 Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," (including regulations
19522 and requirements issued pursuant thereto), as such act has been and may from time to time be
19523 amended.

19524 (i) "Federal Insurance Contributions Act" means Chapter 21 of the federal Internal
19525 Revenue Code as such Code may be amended.

19526 Section 453. Section **67-21-2** is amended to read:

19527 **67-21-2. Definitions.**

19528 As used in this chapter:

19529 (1) "Adverse action" means to discharge, threaten, or otherwise discriminate against an
19530 employee in any manner that affects the employee's employment, including compensation,
19531 terms, conditions, location, rights, immunities, promotions, or privileges.

19532 (2) "Communicate" means a verbal, written, broadcast, or other communicated report.

19533 (3) "Employee" means a person who performs a service for wages or other
19534 remuneration under a contract of hire, written or oral, express or implied.

19535 (4) (a) "Employer" means the employing state agency or political subdivision of the
19536 state.

19537 (b) "Employer" includes an agent of an employer.

19538 (5) "Public body" means any of the following:

19539 (a) a state officer, employee, agency, department, division, bureau, board, commission,
19540 council, authority, educational institution, or any other body in the executive branch of state
19541 government;

19542 (b) an agency, board, commission, council, institution member, or employee of the
19543 legislative branch of state government;

19544 (c) a county, city, town, regional governing body, council, school district, [~~special~~
19545 local district, special service district, or municipal corporation, board, department, commission,

19546 council, agency, or any member or employee of them;

19547 (d) any other body that is created by state or local authority, or that is primarily funded
19548 by or through state or local authority, or any member or employee of that body;

19549 (e) a law enforcement agency or any member or employee of a law enforcement
19550 agency; and

19551 (f) the judiciary and any member or employee of the judiciary.

19552 Section 454. Section **71-8-1** is amended to read:

19553 **71-8-1. Definitions.**

19554 As used in this chapter:

19555 (1) "Council" means the Veterans' Advisory Council.

19556 (2) "Department" means the Utah National Guard.

19557 (3) "Director" means the director of the Division of Veterans' Affairs.

19558 (4) "Division" means the Division of Veterans' Affairs.

19559 (5) "Executive director" means the adjutant general of the Utah National Guard.

19560 (6) "Government entity" means the state and any county, municipality, [~~special~~] local
19561 district, special service district, and any other political subdivision or administrative unit of the
19562 state, including state institutions of education.

19563 (7) "Veteran" means:

19564 (a) an individual who has served on active duty in the armed forces for at least 180
19565 consecutive days or was a member of a reserve component, and who has been separated or
19566 retired under honorable conditions; or

19567 (b) any individual incurring an actual service-related injury or disability in the line of
19568 duty whether or not that person completed 180 days of active duty.

19569 Section 455. Section **71-10-1** is amended to read:

19570 **71-10-1. Definitions.**

19571 As used in this chapter:

19572 (1) "Active duty" means active military duty and does not include active duty for
19573 training, initial active duty for training, or inactive duty for training.

19574 (2) "Disabled veteran" means an individual who has:
19575 (a) been separated or retired from the armed forces under honorable conditions; and
19576 (b) established the existence of a service-connected disability or is receiving
19577 compensation, disability retirement benefits, or pension because of a public statute
19578 administered by the federal Department of Veterans Affairs or a military department.

19579 (3) "Government entity" means the state, any county, municipality, ~~[special]~~ local
19580 district, special service district, or any other political subdivision or administrative unit of the
19581 state, including state institutions of education.

19582 (4) "Preference eligible" means:
19583 (a) any individual who has served on active duty in the armed forces for more than 180
19584 consecutive days, or was a member of a reserve component who served in a campaign or
19585 expedition for which a campaign medal has been authorized and who has been separated under
19586 honorable conditions;

19587 (b) a disabled veteran with any percentage of disability;
19588 (c) the spouse or unmarried widow or widower of a veteran;
19589 (d) a purple heart recipient; or
19590 (e) a retired member of the armed forces who retired below the rank of major or its
19591 equivalent.

19592 (5) "Veteran" means:
19593 (a) an individual who has served on active duty in the armed forces for more than 180
19594 consecutive days, or was a member of a reserve component who served in a campaign or
19595 expedition for which a campaign medal has been authorized and who has been separated or
19596 retired under honorable conditions; or

19597 (b) any individual incurring an actual service-related injury or disability in the line of
19598 duty whether or not that person completed 180 consecutive days of active duty.

19599 Section 456. Section **72-1-208** is amended to read:

19600 **72-1-208. Cooperation with counties, cities, towns, the federal government, and**
19601 **all state departments -- Inspection of work done by a public transit district.**

19602 (1) The department shall cooperate with the counties, cities, and towns in the
19603 construction, maintenance, and use of the highways and in all related matters, and may provide
19604 services to the counties, cities, and towns on terms mutually agreed upon.

19605 (2) The department, with the approval of the governor, shall cooperate with the federal
19606 government in all federal-aid projects and with all state departments in all matters in
19607 connection with the use of the highways.

19608 (3) The department:

19609 (a) shall inspect all work done by a public transit district under Title 17B, Chapter 2a,
19610 Part 8, Public Transit District Act, relating to safety appliances and procedures; and

19611 (b) may make further additions or changes necessary for the purpose of safety to
19612 employees and the general public.

19613 Section 457. Section **72-1-303** is amended to read:

19614 **72-1-303. Duties of commission.**

19615 The commission has the following duties:

19616 (1) determining priorities and funding levels of projects in the state transportation
19617 systems for each fiscal year based on project lists compiled by the department;

19618 (2) determining additions and deletions to state highways under Chapter 4, Designation
19619 of State Highways Act;

19620 (3) holding public hearings and otherwise providing for public input in transportation
19621 matters;

19622 (4) making policies and rules in accordance with Title 63, Chapter 46a, Utah
19623 Administrative Rulemaking Act, necessary to perform the commission's duties described under
19624 this section;

19625 (5) in accordance with Section 63-46b-12, reviewing orders issued by the executive
19626 director in adjudicative proceedings held in accordance with Title 63, Chapter 46b,
19627 Administrative Procedures Act;

19628 (6) advising the department in state transportation systems policy;

19629 (7) approving settlement agreements of condemnation cases subject to Section

19630 63-38b-401;

19631 (8) in accordance with Section [~~17A-2-1038~~] 17B-2a-807, appointing a commissioner
19632 to serve as a nonvoting, ex officio member on the board of trustees of a public transit district;

19633 (9) in accordance with Section [~~17A-2-1039~~] 17B-2a-808, reviewing, at least annually,
19634 the short-term and long-range public transit plans; and

19635 (10) reviewing administrative rules made, amended, or repealed by the department.

19636 Section 458. Section **72-2-201** is amended to read:

19637 **72-2-201. Definitions.**

19638 As used in this part:

19639 (1) "Fund" means the Transportation Infrastructure Loan Fund created under Section
19640 72-2-202.

19641 (2) "Infrastructure assistance" means any use of fund moneys, except an infrastructure
19642 loan, to provide financial assistance for transportation projects, including to finance leases,
19643 fund reserves, make grants, make interest buy-down grants, leases, or loans obtained by a
19644 public entity to finance transportation projects.

19645 (3) "Infrastructure loan" means a loan of fund monies to finance a transportation
19646 project.

19647 (4) "Public entity" means a state agency, county, municipality, [~~special~~] local district,
19648 special service district, or an intergovernmental entity organized under state law.

19649 (5) "Transportation project" means a project to improve the state transportation systems
19650 and includes the costs of acquisition, construction, reconstruction, rehabilitation, equipping,
19651 and fixturing.

19652 Section 459. Section **72-10-601** is amended to read:

19653 **72-10-601. Definitions.**

19654 As used in this part:

19655 (1) "City" means a municipality of the first class, as defined under Section 10-2-301,
19656 that:

19657 (a) is authorized by statute to operate an airport; and

19658 (b) operates an airport with greater than ten million annual passengers.
19659 (2) "Division" means the Criminal Investigation and Technical Services Division of the
19660 Department of Public Safety, established in Section 53-10-103.

19661 (3) "Ground transportation service" means transporting passengers for hire or as a
19662 courtesy in connection with a business over public streets pursuant to a license with the city.

19663 (4) (a) "Ground transportation service provider" means a driver who provides ground
19664 transportation service where the pickup or drop-off of a passenger occurs at an airport under a
19665 city's authority.

19666 (b) "Ground transportation service provider" includes:

19667 (i) a taxicab driver;

19668 (ii) a limousine or luxury car driver;

19669 (iii) a bus or minibus driver, except a driver of a transit vehicle, as defined in Section
19670 [~~17A-2-1004~~] 17B-2a-802;

19671 (iv) a courtesy vehicle or hotel vehicle driver;

19672 (v) a special transportation vehicle driver who transports disabled persons; and

19673 (vi) a van driver.

19674 Section 460. Section **73-1-4** is amended to read:

19675 **73-1-4. Reversion to the public by abandonment or forfeiture for nonuse within**
19676 **five years -- Extension of time.**

19677 (1) In order to further the state policy of securing the maximum use and benefit of its
19678 scarce water resources, a person entitled to the use of water has a continuing obligation to place
19679 all of a water right to beneficial use. The forfeiture of all or part of any right to use water for
19680 failure to place all or part of the water to beneficial use makes possible the allocation and use of
19681 water consistent with long established beneficial use concepts. The provisions of Subsections
19682 (2) through (6) shall be construed to carry out the purposes and policies set forth in this
19683 Subsection (1).

19684 (2) As used in this section, "public water supply entity" means an entity that supplies
19685 water as a utility service or for irrigation purposes and is also:

- 19686 (a) a municipality, water conservancy district, metropolitan water district, irrigation
19687 district [~~created under Section 17A-2-701.5~~], or other public agency;
- 19688 (b) a water company regulated by the Public Service Commission; or
19689 (c) any other owner of a community water system.
- 19690 (3) (a) When an appropriator or the appropriator's successor in interest abandons or
19691 ceases to use all or a portion of a water right for a period of five years, the water right or the
19692 unused portion of that water right ceases and the water reverts to the public, unless, before the
19693 expiration of the five-year period, the appropriator or the appropriator's successor in interest
19694 files a verified nonuse application with the state engineer.
- 19695 (b) (i) A nonuse application may be filed on all or a portion of the water right,
19696 including water rights held by mutual irrigation companies.
- 19697 (ii) Public water supply entities that own stock in a mutual water company, after giving
19698 written notice to the water company, may file nonuse applications with the state engineer on
19699 the water represented by the stock.
- 19700 (c) (i) A water right or a portion of the water right may not be forfeited unless a judicial
19701 action to declare the right forfeited is commenced within 15 years from the end of the latest
19702 period of nonuse of at least five years.
- 19703 (ii) If forfeiture is asserted in an action for general determination of rights in
19704 conformance with the provisions of Chapter 4, Determination of Water Rights, the 15-year
19705 limitation period shall commence to run back in time from the date the state engineer's
19706 proposed determination of rights is served upon each claimant.
- 19707 (iii) A decree entered in an action for general determination of rights under Chapter 4,
19708 Determination of Water Rights, shall bar any claim of forfeiture for prior nonuse against any
19709 right determined to be valid in the decree, but shall not bar a claim for periods of nonuse that
19710 occur after the entry of the decree.
- 19711 (iv) A proposed determination by the state engineer in an action for general
19712 determination of rights under Chapter 4, Determination of Water Rights, shall bar any claim of
19713 forfeiture for prior nonuse against any right proposed to be valid, unless a timely objection has

19714 been filed within the time allowed in Chapter 4, Determination of Water Rights.

19715 (d) The extension of time to resume the use of that water may not exceed five years
19716 unless the time is further extended by the state engineer.

19717 (e) The provisions of this section are applicable whether the unused or abandoned
19718 water or a portion of the water is permitted to run to waste or is used by others without right
19719 with the knowledge of the water right holder, provided that the use of water pursuant to a lease
19720 or other agreement with the appropriator or the appropriator's successor shall be considered to
19721 constitute beneficial use.

19722 (f) The provisions of this section shall not apply:

19723 (i) to those periods of time when a surface water source fails to yield sufficient water to
19724 satisfy the water right, or when groundwater is not available because of a sustained drought;

19725 (ii) to water stored in reservoirs pursuant to an existing water right, where the stored
19726 water is being held in storage for present or future use; or

19727 (iii) when a water user has beneficially used substantially all of a water right within a
19728 five-year period, provided that this exemption shall not apply to the adjudication of a water
19729 right in a general determination of water rights under Chapter 4, Determination of Water
19730 Rights.

19731 (g) Groundwater rights used to supplement the quantity or quality of other water
19732 supplies may not be subject to loss or reduction under this section if not used during periods
19733 when the other water source delivers sufficient water so as to not require use of the
19734 supplemental groundwater.

19735 (4) (a) The state engineer shall furnish an application requiring the following
19736 information:

19737 (i) the name and address of the applicant;

19738 (ii) a description of the water right or a portion of the water right, including the point of
19739 diversion, place of use, and priority;

19740 (iii) the date the water was last diverted and placed to beneficial use;

19741 (iv) the quantity of water;

- 19742 (v) the period of use;
- 19743 (vi) the extension of time applied for;
- 19744 (vii) a statement of the reason for the nonuse of the water; and
- 19745 (viii) any other information that the state engineer requires.
- 19746 (b) Filing the application extends the time during which nonuse may continue until the
- 19747 state engineer issues his order on the nonuse application.
- 19748 (c) (i) Upon receipt of the application, the state engineer shall publish a notice of the
- 19749 application once a week for two successive weeks in a newspaper of general circulation in the
- 19750 county in which the source of the water supply is located and where the water is to be used.
- 19751 (ii) The notice shall:
- 19752 (A) state that an application has been made; and
- 19753 (B) specify where the interested party may obtain additional information relating to the
- 19754 application.
- 19755 (d) Any interested person may file a written protest with the state engineer against the
- 19756 granting of the application:
- 19757 (i) within 20 days after the notice is published, if the adjudicative proceeding is
- 19758 informal; and
- 19759 (ii) within 30 days after the notice is published, if the adjudicative proceeding is
- 19760 formal.
- 19761 (e) In any proceedings to determine whether the application for extension should be
- 19762 approved or rejected, the state engineer shall follow the procedures and requirements of Title
- 19763 63, Chapter 46b, Administrative Procedures Act.
- 19764 (f) After further investigation, the state engineer may approve or reject the application.
- 19765 (5) (a) Nonuse applications on all or a portion of a water right shall be granted by the
- 19766 state engineer for periods not exceeding five years each, upon a showing of reasonable cause
- 19767 for nonuse.
- 19768 (b) Reasonable causes for nonuse include:
- 19769 (i) demonstrable financial hardship or economic depression;

19770 (ii) the initiation of recognized water conservation or efficiency practices, or the
19771 operation of a groundwater recharge recovery program approved by the state engineer;
19772 (iii) operation of legal proceedings;
19773 (iv) the holding of a water right or stock in a mutual water company without use by any
19774 public water supply entity to meet the reasonable future requirements of the public;
19775 (v) situations where, in the opinion of the state engineer, the nonuse would assist in
19776 implementing an existing, approved water management plan;
19777 (vi) situations where all or part of the land on which water is used is contracted under
19778 an approved state agreement or federal conservation following program;
19779 (vii) the loss of capacity caused by deterioration of the water supply or delivery
19780 equipment if the applicant submits, with the application, a specific plan to resume full use of
19781 the water right by replacing, restoring, or improving the equipment; or
19782 (viii) any other reasonable cause.

19783 (6) (a) Sixty days before the expiration of any extension of time, the state engineer
19784 shall notify the applicant by registered mail or by any form of electronic communication
19785 through which receipt is verifiable, of the date when the extension period will expire.

19786 (b) Before the date of expiration, the applicant shall either:
19787 (i) file a verified statement with the state engineer setting forth the date on which use of
19788 the water was resumed, and whatever additional information is required by the state engineer;
19789 or
19790 (ii) apply for a further extension of time in which to resume use of the water according
19791 to the procedures and requirements of this section.

19792 (c) Upon receipt of the applicant's properly completed, verified statement, the state
19793 engineer shall conduct investigations necessary to verify that beneficial use has resumed and, if
19794 so, shall issue a certificate of resumption of use of the water as evidenced by the resumed
19795 beneficial use.

19796 (7) The appropriator's water right or a portion of the water right ceases and the water
19797 reverts to the public if the:

- 19798 (a) appropriator or the appropriator's successor in interest fails to apply for an
19799 extension of time;
- 19800 (b) state engineer denies the nonuse application; or
- 19801 (c) appropriator or the appropriator's successor in interest fails to apply for a further
19802 extension of time.

19803 Section 461. Section **73-2-1** is amended to read:

19804 **73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.**

19805 (1) There shall be a state engineer.

19806 (2) The state engineer shall:

19807 (a) be appointed by the governor with the consent of the Senate;

19808 (b) hold office for the term of four years and until a successor is appointed; and

19809 (c) have five years experience as a practical engineer or the theoretical knowledge,
19810 practical experience, and skill necessary for the position.

19811 (3) (a) The state engineer shall be responsible for the general administrative
19812 supervision of the waters of the state and the measurement, appropriation, apportionment, and
19813 distribution of those waters.

19814 (b) The state engineer may secure the equitable apportionment and distribution of the
19815 water according to the respective rights of appropriators.

19816 (4) The state engineer shall make rules, in accordance with Title 63, Chapter 46a, Utah
19817 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
19818 regarding:

19819 (a) reports of water right conveyances;

19820 (b) the construction of water wells and the licensing of water well drillers;

19821 (c) dam construction and safety;

19822 (d) the alteration of natural streams;

19823 (e) sewage effluent reuse;

19824 (f) geothermal resource conservation; and

19825 (g) enforcement orders and the imposition of fines and penalties.

- 19826 (5) The state engineer may make rules, in accordance with Title 63, Chapter 46a, Utah
19827 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
19828 governing:
- 19829 (a) water distribution systems and water commissioners;
 - 19830 (b) water measurement and reporting;
 - 19831 (c) ground-water recharge and recovery;
 - 19832 (d) the determination of water rights; and
 - 19833 (e) the form and content of applications and related documents, maps, and reports.
- 19834 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 19835 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
19836 water without first seeking redress through the administrative process;
 - 19837 (b) prevent theft, waste, loss, or pollution of those waters;
 - 19838 (c) enable him to carry out the duties of his office; and
 - 19839 (d) enforce administrative orders and collect fines and penalties.
- 19840 (7) The state engineer may:
- 19841 (a) upon request from the board of trustees of an irrigation district under Title ~~[17A]~~
19842 17B, Chapter ~~[2]~~ 2a, Part ~~[7]~~ 5, Irrigation District Act, or ~~[a]~~ another local district under Title
19843 17B, ~~[Chapter 2,]~~ Limited Purpose Local Government Entities - Local Districts, or a special
19844 service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, that
19845 operates an irrigation water system, cause a water survey to be made of all lands proposed to be
19846 annexed to the district in order to determine and allot the maximum amount of water that could
19847 be beneficially used on the land, with a separate survey and allotment being made for each
19848 40-acre or smaller tract in separate ownership; and
 - 19849 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
19850 district board a return of the survey and report of the allotment.
- 19851 (8) (a) The state engineer may establish water distribution systems and define their
19852 boundaries.
- 19853 (b) The water distribution systems shall be formed in a manner that:

19854 (i) secures the best protection to the water claimants; and

19855 (ii) is the most economical for the state to supervise.

19856 Section 462. Section **73-5-15** is amended to read:

19857 **73-5-15. Groundwater management plan.**

19858 (1) As used in this section:

19859 (a) "Critical management area" means a groundwater basin in which the groundwater
19860 withdrawals consistently exceed the safe yield.

19861 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a
19862 groundwater basin over a period of time without exceeding the long-term recharge of the basin
19863 or unreasonably affecting the basin's physical and chemical integrity.

19864 (2) (a) The state engineer may regulate groundwater withdrawals within a specific
19865 groundwater basin by adopting a groundwater management plan in accordance with this section
19866 for any groundwater basin or aquifer or combination of hydrologically connected groundwater
19867 basins or aquifers.

19868 (b) The objectives of a groundwater management plan are to:

19869 (i) limit groundwater withdrawals to safe yield;

19870 (ii) protect the physical integrity of the aquifer; and

19871 (iii) protect water quality.

19872 (c) The state engineer shall adopt a groundwater management plan for a groundwater
19873 basin if more than 1/3 of the water right owners in the groundwater basin request that the state
19874 engineer adopt a groundwater management plan.

19875 (3) (a) In developing a groundwater management plan, the state engineer may consider:

19876 (i) the hydrology of the groundwater basin;

19877 (ii) the physical characteristics of the groundwater basin;

19878 (iii) the relationship between surface water and groundwater, including whether the
19879 groundwater should be managed in conjunction with hydrologically connected surface waters;

19880 (iv) the geographic spacing and location of groundwater withdrawals;

19881 (v) water quality;

19882 (vi) local well interference; and

19883 (vii) other relevant factors.

19884 (b) The state engineer shall base the provisions of a groundwater management plan on
19885 the principles of prior appropriation.

19886 (c) (i) The state engineer shall use the best available scientific method to determine
19887 safe yield.

19888 (ii) As hydrologic conditions change or additional information becomes available, safe
19889 yield determinations made by the state engineer may be revised by following the procedures
19890 listed in Subsection (5).

19891 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
19892 groundwater basin shall be limited to the basin's safe yield.

19893 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
19894 shall:

19895 (A) determine the groundwater basin's safe yield; and

19896 (B) adopt a groundwater management plan for the groundwater basin.

19897 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
19898 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
19899 groundwater basin based on the priority date of the water rights under the groundwater
19900 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a
19901 different distribution.

19902 (b) When adopting a groundwater management plan for a critical management area, the
19903 state engineer shall, based on economic and other impacts to an individual water user or a local
19904 community caused by the implementation of safe yield limits on withdrawals, allow gradual
19905 implementation of the groundwater management plan.

19906 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
19907 agree to participate in a voluntary arrangement for managing withdrawals at any time, either
19908 before or after a determination that groundwater withdrawals exceed the groundwater basin's
19909 safe yield.

19910 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other
19911 law.

19912 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than
19913 all of the water users in a groundwater basin does not affect the rights of water users who do
19914 not agree to the voluntary arrangement.

19915 (5) To adopt a groundwater management plan, the state engineer shall:

19916 (a) give notice as specified in Subsection (7) at least 30 days before the first public
19917 meeting held in accordance with Subsection (5)(b):

19918 (i) that the state engineer proposes to adopt a groundwater management plan;

19919 (ii) describing generally the land area proposed to be included in the groundwater
19920 management plan; and

19921 (iii) stating the location, date, and time of each public meeting to be held in accordance
19922 with Subsection (5)(b);

19923 (b) hold one or more public meetings in the geographic area proposed to be included
19924 within the groundwater management plan to:

19925 (i) address the need for a groundwater management plan;

19926 (ii) present any data, studies, or reports that the state engineer intends to consider in
19927 preparing the groundwater management plan;

19928 (iii) address safe yield and any other subject that may be included in the groundwater
19929 management plan;

19930 (iv) outline the estimated administrative costs, if any, that groundwater users are likely
19931 to incur if the plan is adopted; and

19932 (v) receive any public comments and other information presented at the public meeting,
19933 including comments from any of the entities listed in Subsection (7)(a)(iii);

19934 (c) receive and consider written comments concerning the proposed groundwater
19935 management plan from any person for a period determined by the state engineer of not less than
19936 60 days after the day on which the notice required by Subsection (5)(a) is given;

19937 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,

19938 publish notice:

19939 (A) that a draft of the groundwater management plan has been proposed; and

19940 (B) specifying where a copy of the draft plan may be reviewed; and

19941 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of

19942 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and

19943 (e) provide notice of the adoption of the groundwater management plan.

19944 (6) A groundwater management plan shall become effective on the date notice of

19945 adoption is completed under Subsection (7), or on a later date if specified in the plan.

19946 (7) (a) A notice required by this section shall be:

19947 (i) published once a week for two successive weeks in a newspaper of general

19948 circulation in each county that encompasses a portion of the land area proposed to be included

19949 within the groundwater management plan;

19950 (ii) published conspicuously on the state engineer's Internet website; and

19951 (iii) mailed to each of the following that has within its boundaries a portion of the land

19952 area to be included within the proposed groundwater management plan:

19953 (A) county;

19954 (B) incorporated city or town;

19955 [~~(C)~~ any of the following type of independent special districts operating under Title

19956 ~~17A, Special Districts:~~]

19957 [~~(H) county~~] (C) improvement district [~~providing water, sewerage, or flood control~~]

19958 under Title 17B, Chapter 2a, Part 4, Improvement District Act;

19959 [~~(H) county~~] (D) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;

19960 [~~(H)~~] (E) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;

19961 [~~(IV)~~] (F) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;

19962 [~~(V)~~] (G) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan

19963 Water District Act;

19964 [~~(VI)~~] (H) special service district providing water, sewer, drainage, or flood control

19965 services, under Title 17A, Chapter 2, Part 13, Utah Special Service District Act; [and]

19966 [~~VII~~] (I) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
19967 Conservancy District Act; and

19968 [~~IX~~] (J) soil conservation district, under Title 17A, Chapter 3, Part 8, Soil
19969 Conservation Districts.

19970 (b) A notice required by this section is effective upon substantial compliance with
19971 Subsections (7)(a)(i) through (iii).

19972 (8) A groundwater management plan may be amended in the same manner as a
19973 groundwater management plan may be adopted under this section.

19974 (9) The existence of a groundwater management plan does not preclude any otherwise
19975 eligible person from filing any application or challenging any decision made by the state
19976 engineer within the affected groundwater basin.

19977 (10) (a) A person aggrieved by a groundwater management plan may challenge any
19978 aspect of the groundwater management plan by filing a complaint within 60 days after the
19979 adoption of the groundwater management plan in the district court for any county in which the
19980 groundwater basin is found.

19981 (b) Notwithstanding Subsection (9), a person may challenge the components of a
19982 groundwater management plan only in the manner provided by Subsection (10)(a).

19983 (c) An action brought under this Subsection (10) is reviewed de novo by the district
19984 court.

19985 (d) A person challenging a groundwater management plan under this Subsection (10)
19986 shall join the state engineer as a defendant in the action challenging the groundwater
19987 management plan.

19988 (e) (i) Within 30 days after the day on which a person files an action challenging any
19989 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action
19990 shall publish notice of the action in a newspaper of general circulation in the county in which
19991 the district court is located.

19992 (ii) The notice required by Subsection (10)(e)(i) shall be published once a week for two
19993 consecutive weeks.

19994 (iii) The notice required by Subsection (10)(e)(i) shall:
19995 (A) identify the groundwater management plan the person is challenging;
19996 (B) identify the case number assigned by the district court;
19997 (C) state that a person affected by the groundwater management plan may petition the
19998 district court to intervene in the action challenging the groundwater management plan; and
19999 (D) list the address for the clerk of the district court in which the action is filed.
20000 (iv) (A) Any person affected by the groundwater management plan may petition to
20001 intervene in the action within 60 days after the day on which notice is last published under
20002 Subsections (10)(e)(i) and (ii).
20003 (B) The district court's treatment of a petition to intervene under this Subsection
20004 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.
20005 (v) A district court in which an action is brought under Subsection (10)(a) shall
20006 consolidate all actions brought under that Subsection and include in the consolidated action any
20007 person whose petition to intervene is granted.
20008 (11) A groundwater management plan adopted or amended in accordance with this
20009 section is exempt from the requirements in Title 63, Chapter 46a, Utah Administrative
20010 Rulemaking Act.
20011 (12) Recharge and recovery projects permitted under Chapter 3b, Groundwater
20012 Recharge and Recovery Act, are exempted from this section.
20013 (13) Nothing in this section may be interpreted to require the development,
20014 implementation, or consideration of a groundwater management plan as a prerequisite or
20015 condition to the exercise of the state engineer's enforcement powers under other law, including
20016 powers granted under Section 73-2-25.
20017 (14) A groundwater management plan adopted in accordance with this section may not
20018 apply to the dewatering of a mine.
20019 (15) (a) A groundwater management plan adopted by the state engineer before May 1,
20020 2006, remains in force and has the same legal effect as it had on the day on which it was
20021 adopted by the state engineer.

20022 (b) If a groundwater management plan that existed before May 1, 2006, is amended on
20023 or after May 1, 2006, the amendment is subject to this section's provisions.

20024 Section 463. Section **73-10-1** is amended to read:

20025 **73-10-1. State's policy -- Creation of revolving fund -- General construction of**
20026 **act.**

20027 (1) The Legislature of the state of Utah having heretofore declared by Section 73-1-1,
20028 Utah Code Annotated 1953, that, "All waters of this state, whether above or under the ground
20029 are hereby declared to be the property of the public, subject to all existing rights to the use
20030 thereof"; and further, by Section 73-1-3, Utah Code Annotated 1953, that "Beneficial use shall
20031 be the basis, the measures and the limit of all rights to the use of water in this state"; and
20032 further, by Section [~~17A-2-1401~~] 17B-2a-1002 that the policy of the state is, "To obtain from
20033 water in Utah the highest duty for domestic uses and irrigation of lands in Utah within the
20034 terms of interstate compacts or otherwise," now by this act reiterates and reaffirms such
20035 declaration of the public policy of the state of Utah.

20036 (2) It is further declared to be the policy of this chapter and of the state of Utah, and the
20037 legislature recognizes:

20038 (a) that by construction of projects based upon sound engineering the waters within the
20039 various counties of the state of Utah can be saved from waste and increased in efficiency of
20040 beneficial use by 25% to 100%;

20041 (b) that because of well-known conditions such as low prices and lack of market for
20042 farm products, particularly the inefficiency of water supply because of lack of late season water
20043 and consequent lack of financial strength, water users in small communities have been unable
20044 to build projects that would provide full conservation and beneficial use for the limited water
20045 supply in this semiarid land;

20046 (c) that water, as the property of the public, should be so managed by the public that it
20047 can be put to the highest use for public benefit;

20048 (d) that Congress of the United States has provided for the building of larger water
20049 conservation projects throughout the semiarid states, payment of the capital costs without

20050 interest to be made by the water users upon the basis of a fair portion of crop returns;

20051 (e) that the Congress of the United States has established in the department of interior
20052 and in the department of agriculture, various agencies having authority to develop, protect, and
20053 aid in putting to beneficial use the land and water resources of the United States and to
20054 cooperate with state agencies having similar authority;

20055 (f) that the interests of the state of Utah require that means be provided for close
20056 cooperation between all state and federal agencies to the end that the underground waters and
20057 waters of the small streams of the state, and the lands thereunder, can be made to yield
20058 abundantly and increase the income and well-being of the citizens of the state;

20059 (g) that it appears to be sound public policy for the state of Utah to provide a revolving
20060 fund, to be increased at each legislative session, to the end that every mountain stream and
20061 every water resource within the state can be made to render the highest beneficial service, such
20062 fund to be so administered that no project will be built except upon expert engineering,
20063 financial, and geological approval.

20064 (3) All of the provisions of this chapter shall be liberally construed so as to carry out
20065 and put into force and effect the purposes and policies as hereinabove set forth.

20066 Section 464. Section **73-10-21** is amended to read:

20067 **73-10-21. Loans for water systems -- Eligible projects.**

20068 This chapter shall apply to all eligible projects of incorporated cities and towns,
20069 [~~metropolitan water districts created under Title 17A, Chapter 2, Part 8, water conservancy~~
20070 ~~districts created under Title 17A, Chapter 2, Part 14, improvement districts created under Title~~
20071 ~~17A, Chapter 2, Part 3, county improvement districts created under Title 17A, Chapter 3, Part~~
20072 ~~2,] local districts under Title 17B, Limited Purpose Local Government Entities - Local
20073 Districts, assessment areas under Title 11, Chapter 42, Assessment Area Act, and special
20074 service districts [established] under Title 17A, Chapter 2, Part 13, Utah Special Service District
20075 Act. Eligible projects are those for the acquisition, improvement, or construction of water
20076 systems used for the production, supply, transmission, storage, distribution, or treatment of
20077 water for cities, towns, metropolitan water districts, water conservancy districts, improvement~~

20078 districts, special improvement districts, or special service districts, or the improvement or
20079 extension of such systems.

20080 Section 465. Section **73-10-32** is amended to read:

20081 **73-10-32. Definitions -- Water conservation plan required.**

20082 (1) As used in this section:

20083 (a) "Board" means the Board of Water Resources created under Section 73-10-1.5.

20084 (b) "Division" means the Division of Water Resources created under Section 73-10-18.

20085 (c) "Retail" means the level of distribution of culinary water that supplies culinary
20086 water directly to the end user.

20087 (d) "Retail water provider" means an entity which:

20088 (i) supplies culinary water to end users; and

20089 (ii) has more than 500 service connections.

20090 (e) "Water conservancy district" means an entity formed under Title [~~17A~~] 17B,

20091 Chapter [~~2~~] 2a, Part [~~14~~] 10, Water Conservancy [~~Districts~~] District Act.

20092 (f) "Water conservation plan" means a written document that contains existing and
20093 proposed water conservation measures describing what will be done by retail water providers,
20094 water conservancy districts, and the end user of culinary water to help conserve water and limit
20095 or reduce its use in the state in terms of per capita consumption so that adequate supplies of
20096 water are available for future needs.

20097 (2) (a) Each water conservation plan shall contain:

20098 (i) a clearly stated overall water use reduction goal and an implementation plan for
20099 each of the water conservation measures it chooses to use, including a timeline for action and
20100 an evaluation process to measure progress;

20101 (ii) a requirement that each water conservancy district and retail water provider devote
20102 part of at least one regular meeting every five years of its governing body to a discussion and
20103 formal adoption of the water conservation plan, and allow public comment on it;

20104 (iii) a requirement that a notification procedure be implemented that includes the
20105 delivery of the water conservation plan to the media and to the governing body of each

20106 municipality and county served by the water conservancy district or retail water provider; and
20107 (iv) a copy of the minutes of the meeting and the notification procedure required in
20108 Subsections (2)(a)(ii) and (iii) which shall be added as an appendix to the plan.

20109 (b) A water conservation plan may include information regarding:

20110 (i) the installation and use of water efficient fixtures and appliances, including toilets,
20111 shower fixtures, and faucets;

20112 (ii) residential and commercial landscapes and irrigation that require less water to
20113 maintain;

20114 (iii) more water efficient industrial and commercial processes involving the use of
20115 water;

20116 (iv) water reuse systems, both potable and not potable;

20117 (v) distribution system leak repair;

20118 (vi) dissemination of public information regarding more efficient use of water,
20119 including public education programs, customer water use audits, and water saving
20120 demonstrations;

20121 (vii) water rate structures designed to encourage more efficient use of water;

20122 (viii) statutes, ordinances, codes, or regulations designed to encourage more efficient
20123 use of water by means such as water efficient fixtures and landscapes;

20124 (ix) incentives to implement water efficient techniques, including rebates to water users
20125 to encourage the implementation of more water efficient measures; and

20126 (x) other measures designed to conserve water.

20127 (c) The Division of Water Resources may be contacted for information and technical
20128 resources regarding measures listed in Subsections (2)(b)(i) through (2)(b)(x).

20129 (3) (a) Before April 1, 1999, each water conservancy district [~~under Title 17A, Chapter~~
20130 ~~2, Part 14, Water Conservancy Districts,~~] and each retail water provider shall:

20131 (i) (A) prepare and adopt a water conservation plan if one has not already been
20132 adopted; or

20133 (B) if the district or provider has already adopted a water conservation plan, review the

20134 existing water conservation plan to determine if it should be amended and, if so, amend the
20135 water conservation plan; and

20136 (ii) file a copy of the water conservation plan or amended water conservation plan with
20137 the division.

20138 (b) Before adopting or amending a water conservation plan, each water conservancy
20139 district or retail water provider shall hold a public hearing with reasonable, advance public
20140 notice.

20141 (4) (a) The board shall:

20142 (i) provide guidelines and technical resources to retail water providers and water
20143 conservancy districts to prepare and implement water conservation plans;

20144 (ii) investigate alternative measures designed to conserve water; and

20145 (iii) report regarding its compliance with the act and impressions of the overall quality
20146 of the plans submitted to the Natural Resources, Agriculture, and Environment Interim
20147 Committee of the Legislature at its meeting in November 2004.

20148 (b) The board shall publish an annual report in a paper of state-wide distribution
20149 specifying the retail water providers and water conservancy districts that do not have a current
20150 water conservation plan on file with the board at the end of the calendar year.

20151 (5) A water conservancy district or retail water provider may only receive state funds
20152 for water development if they comply with the requirements of this act.

20153 (6) Each water conservancy district and retail water provider specified under
20154 Subsection (3)(a) shall:

20155 (a) update its water conservation plan no less frequently than every five years; and

20156 (b) follow the procedures required under Subsection (3) when updating the water
20157 conservation plan.

20158 (7) It is the intent of the Legislature that the water conservation plans, amendments to
20159 existing water conservation plans, and the studies and report by the board be handled within the
20160 existing budgets of the respective entities or agencies.

20161 Section 466. Section **76-10-1503** is amended to read:

20162 **76-10-1503. Definitions.**

20163 As used in this act:

20164 (1) "Bus" means any passenger bus or coach or other motor vehicle having a seating
20165 capacity of 15 or more passengers operated by a bus company for the purpose of carrying
20166 passengers or cargo for hire and includes a transit vehicle, as defined in Section [~~17A-2-1004~~
20167 17B-2a-802, of a public transit district under Title [~~17A~~] 17B, Chapter [~~2~~] 2a, Part [~~10, Utah~~]
20168 8, Public Transit District Act.

20169 (2) "Bus company" or "company" means any person, group of persons or corporation
20170 providing for-hire transportation to passengers or cargo by bus upon the highways in the state,
20171 including passengers and cargo in interstate or intrastate travel. These terms also include local
20172 public bodies, public transit districts, municipalities, public corporations, boards and
20173 commissions established under the laws of the state providing transportation to passengers or
20174 cargo by bus upon the highways in the state, whether or not for hire.

20175 (3) "Charter" means a group of persons, pursuant to a common purpose and under a
20176 single contract, and at a fixed charge in accordance with a bus company's tariff, which has
20177 acquired the exclusive use of a bus to travel together to a specified destination or destinations.

20178 (4) "Passenger" means any person transported or served by a bus company, including
20179 persons accompanying or meeting another being transported, any person shipping or receiving
20180 cargo and any person purchasing a ticket or receiving a pass.

20181 (5) "Terminal" means a bus station or depot or any other facility operated or leased by
20182 or operated on behalf of a bus company and includes a transit facility, as defined in Section
20183 [~~17A-2-1004~~] 17B-2a-802, of a public transit district under Title [~~17A~~] 17B, Chapter [~~2~~] 2a,
20184 Part [~~10, Utah~~] 8, Public Transit District Act. This term includes a reasonable area
20185 immediately adjacent to any designated stop along the route traveled by any bus operated by a
20186 bus company and parking lots or areas adjacent to terminals.

20187 Section 467. Section **78-27-63** is amended to read:

20188 **78-27-63. Inherent risks of certain recreational activities -- Claim barred against**
20189 **county or municipality -- No effect on duty or liability of person participating in**

20190 **recreational activity or other person.**

20191 (1) As used in this section:

20192 (a) "Inherent risks" means those dangers, conditions, and potentials for personal injury
20193 or property damage that are an integral and natural part of participating in a recreational
20194 activity.

20195 (b) "Municipality" has the meaning as defined in Section 10-1-104.

20196 (c) "Person" includes an individual, regardless of age, maturity, ability, capability, or
20197 experience, and a corporation, partnership, limited liability company, or any other form of
20198 business enterprise.

20199 (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding,
20200 roller skating, ice skating, fishing, hiking, bike riding, or in-line skating on property:

20201 (i) owned by:

20202 (A) with respect to a claim against a county, the county; and

20203 (B) with respect to a claim against a municipality, the municipality; and

20204 (ii) intended for the specific use in question.

20205 (2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,
20206 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or
20207 recover from a county, municipality, or ~~[independent special]~~ local district under Title ~~[17A]~~
20208 17B, [Chapter 2, Independent Special Districts] Limited Purpose Local Government Entities -
20209 Local Districts, or special service district under Title 17A, Chapter 2, Part 13, Utah Special
20210 Service District Act, for personal injury or property damage resulting from any of the inherent
20211 risks of participating in a recreational activity.

20212 (3) (a) Nothing in this section may be construed to relieve a person participating in a
20213 recreational activity from an obligation that the person would have in the absence of this
20214 section to exercise due care or from the legal consequences of a failure to exercise due care.

20215 (b) Nothing in this section may be construed to relieve any other person from an
20216 obligation that the person would have in the absence of this section to exercise due care or from
20217 the legal consequences of a failure to exercise due care.

- 20218 Section 468. **Repealer.**
- 20219 This bill repeals:
- 20220 Section **17A-1-101, Definitions.**
- 20221 Section **17A-1-102, Notice to State Tax Commission -- Tax rate on new property**
- 20222 **included in the special district.**
- 20223 Section **17A-1-205, Special districts subject to local district provisions relating to**
- 20224 **collection of water and sewer service fees.**
- 20225 Section **17A-1-301, Exemptions.**
- 20226 Section **17A-1-302, Vacancies on special district boards.**
- 20227 Section **17A-1-401, Short title.**
- 20228 Section **17A-1-402, Legislative intent.**
- 20229 Section **17A-1-403, Applicability to special districts -- Exceptions.**
- 20230 Section **17A-1-426, Emergency expenditures.**
- 20231 Section **17A-1-446, State auditor to evaluate fiscal practices.**
- 20232 Section **17A-1-801, Hiring of professional architect, engineer, or surveyor.**
- 20233 Section **17A-2-101, Creation procedures for certain independent special districts.**
- 20234 Section **17A-2-101.3, Annexation, dissolution, and withdrawal provisions for**
- 20235 **certain independent special districts.**
- 20236 Section **17A-2-104, Notice before preparing or amending a long-range plan or**
- 20237 **acquiring certain property.**
- 20238 Section **17A-2-201, Short title -- Policy of state -- Assessments.**
- 20239 Section **17A-2-208, Cemetery maintenance district board of trustees --**
- 20240 **Appointment -- Other provisions applicable.**
- 20241 Section **17A-2-210, Appointments to fill.**
- 20242 Section **17A-2-216, Body politic and corporate -- Exercise of powers -- Corporate**
- 20243 **name.**
- 20244 Section **17A-2-217, Powers of maintenance district.**
- 20245 Section **17A-2-219, Acquisition and possession of property -- Legal title.**

- 20246 Section 17A-2-221, **Levy of taxes by cemetery board.**
- 20247 Section 17A-2-222, **Amount of tax -- Levy and collection.**
- 20248 Section 17A-2-223, **Power of board to incur indebtedness.**
- 20249 Section 17A-2-226, **Cities of first and second class excepted.**
- 20250 Section 17A-2-305, **Board of trustees -- Creation -- Appointment and election of**
- 20251 **members -- Qualifications.**
- 20252 Section 17A-2-306, **Bonds.**
- 20253 Section 17A-2-307, **Resolution calling bond election -- Precincts and polling places.**
- 20254 Section 17A-2-308, **Board of trustees -- Other provisions applicable -- No**
- 20255 **compensation to county legislative body -- Audit -- Budget.**
- 20256 Section 17A-2-309, **Results of bond election -- Resolution -- Issuance of bonds --**
- 20257 **Maximum bonded indebtedness.**
- 20258 Section 17A-2-310, **Certification of bond issue to county legislative body -- Tax**
- 20259 **levy -- Payment of revenue bonds -- Election on general obligation bonds and revenue**
- 20260 **bonds -- Bonds for sewer purposes -- Collection of charges.**
- 20261 Section 17A-2-312, **Powers of district -- Bond obligations of entity under Utah**
- 20262 **Interlocal Cooperation Act not obligation of district.**
- 20263 Section 17A-2-313, **Authority of district.**
- 20264 Section 17A-2-315, **Publication of resolution or proceeding -- Right to contest**
- 20265 **legality.**
- 20266 Section 17A-2-317, **Ratification of districts created under prior laws -- Issuance of**
- 20267 **authorized bonds -- Amendatory proceedings.**
- 20268 Section 17A-2-318, **Separability clause.**
- 20269 Section 17A-2-319, **Authority for district's exercise of other powers than those**
- 20270 **provided in creation -- Procedure -- Hearing -- Appeals.**
- 20271 Section 17A-2-320, **Special election of elective members of board of trustees.**
- 20272 Section 17A-2-322, **Ratification of districts created under prior laws.**
- 20273 Section 17A-2-323, **Abolishment of previously created districts.**

- 20274 Section 17A-2-325, **Creation of districts authorized.**
- 20275 Section 17A-2-327, **Districts continuing method of selection of trustees --**
- 20276 **Resolution -- Irrevocable as long as bonds outstanding -- Revocation of resolution.**
- 20277 Section 17A-2-328, **Powers of municipalities -- Collection -- System for collection,**
- 20278 **retention, and disposition of storm and flood waters -- Power of district to make contracts**
- 20279 **-- Retainage.**
- 20280 Section 17A-2-329, **Overlapping districts -- Abolition of smaller district --**
- 20281 **Conditions.**
- 20282 Section 17A-2-401, **Short title.**
- 20283 Section 17A-2-402, **Legislative intent.**
- 20284 Section 17A-2-403, **Authorized services -- Notice to and coordination with utility.**
- 20285 Section 17A-2-405, **Area in county service area -- Overlapping of areas.**
- 20286 Section 17A-2-411, **Board of trustees -- Selection procedures -- Surety bonds --**
- 20287 **Other provisions applicable -- Board membership for certain service areas providing fire**
- 20288 **protection, paramedic, and emergency services.**
- 20289 Section 17A-2-412, **Service area deemed body corporate -- Powers.**
- 20290 Section 17A-2-414, **Tax rate -- Limitation.**
- 20291 Section 17A-2-415, **Levy and collection of tax -- Property subject to tax --**
- 20292 **Collection of service charges.**
- 20293 Section 17A-2-416, **Delinquent fees and charges to become lien when certified.**
- 20294 Section 17A-2-418, **Annexation or incorporation of all or part of county service**
- 20295 **area into city or town.**
- 20296 Section 17A-2-419, **Abandonment.**
- 20297 Section 17A-2-423, **Resolution calling election for issuing bonds -- Limit on general**
- 20298 **obligation bonds.**
- 20299 Section 17A-2-424, **Issuance of bonds -- Purposes of bonds -- Tax levy.**
- 20300 Section 17A-2-425, **Bonds payable from revenues -- Covenants with future holders**
- 20301 **authorized.**

- 20302 Section 17A-2-426, Refunding bonds.
- 20303 Section 17A-2-428, Tax anticipation notes.
- 20304 Section 17A-2-429, Property exempt from taxation.
- 20305 Section 17A-2-431, Publication of resolutions or other proceedings adopted by
- 20306 board -- Time limit for contesting legality.
- 20307 Section 17A-2-502, Formation -- Time limit.
- 20308 Section 17A-2-506, Corporate status -- Board of trustees.
- 20309 Section 17A-2-509, Board to appoint engineer -- Contract with United States --
- 20310 Eminent domain -- Power to obtain water.
- 20311 Section 17A-2-511, Duties of secretary.
- 20312 Section 17A-2-512, Qualification and duties of treasurer.
- 20313 Section 17A-2-514, Employment of assistants.
- 20314 Section 17A-2-522, State lands subject.
- 20315 Section 17A-2-523, Apportioning benefits.
- 20316 Section 17A-2-524, Taxes assessed against unentered and unpatented lands.
- 20317 Section 17A-2-525, Sale price certified.
- 20318 Section 17A-2-526, Sale of lands sold for taxes.
- 20319 Section 17A-2-527, Land patented to purchaser prior to issuance of tax deed --
- 20320 Conditions.
- 20321 Section 17A-2-528, Notices to owner or occupant.
- 20322 Section 17A-2-530, Viewing of annexed land by board of trustees -- Assessment for
- 20323 taxation -- Board of equalization -- Hearing -- Notice -- Lien for taxes.
- 20324 Section 17A-2-532, Debt limitation.
- 20325 Section 17A-2-533, Board to report -- Annual meeting -- Notices -- Chair of annual
- 20326 meeting.
- 20327 Section 17A-2-534, Public uses -- Right of entry on lands -- Prohibitions.
- 20328 Section 17A-2-535, Validation of organization proceedings -- Notice of proposed
- 20329 corrections, amendments, or changes in assessment of benefits -- Hearing by county

- 20330 **legislative body of report of board of trustees -- Board of equalization -- Increase of**
- 20331 **drainage benefits and taxes -- Lien.**
- 20332 Section 17A-2-536, **Compensation -- Conflict of interest -- Penalties.**
- 20333 Section 17A-2-537, **Appointment of trustee -- Vacancy -- No more than two**
- 20334 **trustees from same county in multicounty district.**
- 20335 Section 17A-2-538, **Interference with works a misdemeanor.**
- 20336 Section 17A-2-539, **Additional liability.**
- 20337 Section 17A-2-540, **Right-of-way -- Highways and railroads may be assessed --**
- 20338 **Assessment of governmental units.**
- 20339 Section 17A-2-541, **Bridges and culverts across highways and railroads.**
- 20340 Section 17A-2-542, **Terms defined -- Power over watercourses -- Expenses.**
- 20341 Section 17A-2-543, **Contractual powers -- Bond issues -- Election.**
- 20342 Section 17A-2-544, **Bonds -- Lien on land and improvements.**
- 20343 Section 17A-2-545, **Bond issue -- Statement attached.**
- 20344 Section 17A-2-548, **Duties of trustees -- Equalizations.**
- 20345 Section 17A-2-549, **Estimates for construction -- Debts -- Sinking fund -- Levy.**
- 20346 Section 17A-2-550, **Addition of delinquent taxes in case of contract with the United**
- 20347 **States.**
- 20348 Section 17A-2-551, **Attendance of officials.**
- 20349 Section 17A-2-552, **Drainage district taxes.**
- 20350 Section 17A-2-553, **Taxes considered lien -- Sale of property -- Time of redemption**
- 20351 **-- Notice -- Penalty -- Record.**
- 20352 Section 17A-2-554, **Payment of taxes with bonds or warrants of district.**
- 20353 Section 17A-2-555, **Statement of indebtedness to be procured -- Fees -- Filing --**
- 20354 **Discharge of lien.**
- 20355 Section 17A-2-556, **Form of release and discharge.**
- 20356 Section 17A-2-557, **Release and discharge may be recorded.**
- 20357 Section 17A-2-559, **Redemption by owner or lien holder -- Adjustment, payment or**

- 20358 **settlement.**
- 20359 Section **17A-2-560, Land redeemed when lien discharged -- Lien priority --**
- 20360 **Foreclosure.**
- 20361 Section **17A-2-601, Establishment -- Time limit -- Exceptions.**
- 20362 Section **17A-2-607, Legal existence of district -- Powers.**
- 20363 Section **17A-2-609, Trustees -- Election or appointment -- Countywide fire**
- 20364 **protection district -- Other provisions applicable.**
- 20365 Section **17A-2-610, Separate meetings -- County clerk may be secretary.**
- 20366 Section **17A-2-611, Authority of district.**
- 20367 Section **17A-2-612, Election for office of fire commissioner.**
- 20368 Section **17A-2-613, Office of the board of trustees -- Principal places of business of**
- 20369 **district.**
- 20370 Section **17A-2-615, Association to encourage uniformity and coordination of**
- 20371 **programs -- Contracts between two or more fire protection districts.**
- 20372 Section **17A-2-616, Statement of taxable value of property.**
- 20373 Section **17A-2-617, Annual budget -- Levy, extension, and collection of taxes.**
- 20374 Section **17A-2-618, Bonds -- Duty of board of trustees -- Levy of taxes for payment**
- 20375 **of bonds.**
- 20376 Section **17A-2-619, Indebtedness not to exceed estimated expendable revenue.**
- 20377 Section **17A-2-620, Duties of treasurer.**
- 20378 Section **17A-2-621, Secretary -- Countersigning of drafts and warrants.**
- 20379 Section **17A-2-622, Petition for bond election -- Petition requirements -- Notice and**
- 20380 **hearing -- Election regarding issuance of bonds.**
- 20381 Section **17A-2-623, Limitations upon indebtedness.**
- 20382 Section **17A-2-701.1, Title.**
- 20383 Section **17A-2-701.2, Definitions.**
- 20384 Section **17A-2-701.5, Creation of irrigation districts.**
- 20385 Section **17A-2-706, Regular election of district for electing board members --**

- 20386 **Election provisions -- Official bond -- Fiscal agents.**
- 20387 Section 17A-2-707, Office location.
- 20388 Section 17A-2-711, Board of trustees -- Organization -- Powers and duties -- Other
- 20389 **provisions applicable.**
- 20390 Section 17A-2-712, Additional powers of board.
- 20391 Section 17A-2-713, Titles vested -- Tax exemptions -- Sales -- Conveyances to
- 20392 **United States.**
- 20393 Section 17A-2-717.5, Validation of previous bond issues.
- 20394 Section 17A-2-718, Trustees to determine amounts required for current years --
- 20395 **Establishment of sinking funds and reserve funds -- Certification of amounts.**
- 20396 Section 17A-2-719.5, Use charges -- Duty of county assessors.
- 20397 Section 17A-2-721, Duties of county treasurer -- Liability -- Accounts to be kept
- 20398 **and methods of payments -- Deposit of funds.**
- 20399 Section 17A-2-722, Lien for unpaid use charges -- Sale of land for delinquent use
- 20400 **charges -- Redemption period.**
- 20401 Section 17A-2-724, Claims -- Manner of payment -- Registry of warrants --
- 20402 **Emergency loans.**
- 20403 Section 17A-2-726, Compensation of officials -- Prohibitions -- Penalties.
- 20404 Section 17A-2-728, Distribution of water.
- 20405 Section 17A-2-729, Diversion of water.
- 20406 Section 17A-2-730, Exclusion of lands from district.
- 20407 Section 17A-2-738, Redivision of districts.
- 20408 Section 17A-2-739, Exclusion of lands -- Liability not impaired.
- 20409 Section 17A-2-749, Special proceedings for judicial examination.
- 20410 Section 17A-2-750, Petition for confirmation.
- 20411 Section 17A-2-751, Notice -- Contest -- Time for hearing.
- 20412 Section 17A-2-752, Parties -- Appearances -- Practice and procedure.
- 20413 Section 17A-2-753, Findings and decree -- Costs.

- 20414 Section **17A-2-754, Transfer of water rights -- Notice to landowners.**
- 20415 Section **17A-2-755, Districts declared bodies corporate -- Tax exemption of bonds**
- 20416 **and securities except corporate franchise tax.**
- 20417 Section **17A-2-756, Inclusion of state lands.**
- 20418 Section **17A-2-757, Special-benefit construction -- Terms -- Costs.**
- 20419 Section **17A-2-758, Local improvement districts.**
- 20420 Section **17A-2-759, Establishment -- Limit as to costs -- Authorization --**
- 20421 **Construction warrants -- Orders.**
- 20422 Section **17A-2-760, Assessment of damages and benefits -- Board of equalization.**
- 20423 Section **17A-2-761, Validation of the creation and organization of irrigation**
- 20424 **districts and of district elections.**
- 20425 Section **17A-2-762, Costs levied and collected.**
- 20426 Section **17A-2-763, Payment of delinquency.**
- 20427 Section **17A-2-764, Local improvement bonds.**
- 20428 Section **17A-2-765, Contracts with United States.**
- 20429 Section **17A-2-766, Validation of act.**
- 20430 Section **17A-2-767, Default of district -- Court procedure.**
- 20431 Section **17A-2-801, Title.**
- 20432 Section **17A-2-802, Definitions.**
- 20433 Section **17A-2-803, Purpose of metropolitan water district.**
- 20434 Section **17A-2-810, Concurrent and consolidated elections.**
- 20435 Section **17A-2-818, Powers of incorporated districts -- Preferential right of city to**
- 20436 **purchase water.**
- 20437 Section **17A-2-819, Trustees -- Representation -- Voting -- Organization and**
- 20438 **membership -- Other provisions apply.**
- 20439 Section **17A-2-820, Powers of trustees.**
- 20440 Section **17A-2-821, Resolution or ordinance proposing obligations or indebtedness**
- 20441 **-- Election.**

- 20442 Section 17A-2-823, **Majority vote in favor of incurring obligations or indebtedness.**
- 20443 Section 17A-2-824, **Revenue indebtedness or general obligation indebtedness --**
- 20444 **Procedure for incurring -- Terms.**
- 20445 Section 17A-2-826, **Sale of bonds.**
- 20446 Section 17A-2-827, **Proceeds of sale of bonds.**
- 20447 Section 17A-2-828, **Action to test validity of contracts, bonds, and other contract**
- 20448 **obligations or indebtedness.**
- 20449 Section 17A-2-829, **Water rates to pay operating expenses, repairs, and**
- 20450 **depreciation -- Interest and principal of bonded and other debt to be paid so far as**
- 20451 **practicable from water rates -- Tax levy.**
- 20452 Section 17A-2-830, **Conversion of coupon bonds into registered bonds --**
- 20453 **Reconversion -- Exchanging for higher denomination.**
- 20454 Section 17A-2-831, **Fees.**
- 20455 Section 17A-2-833, **Taxation -- Valuation.**
- 20456 Section 17A-2-834, **Rate of taxation.**
- 20457 Section 17A-2-835, **Amounts due from cities declared in resolution.**
- 20458 Section 17A-2-836, **Tax rates for cities.**
- 20459 Section 17A-2-837, **Collection of taxes.**
- 20460 Section 17A-2-838, **Collection fees.**
- 20461 Section 17A-2-839, **Lien for taxes.**
- 20462 Section 17A-2-840, **Expenses of incorporation.**
- 20463 Section 17A-2-843, **Interest of trustees or employees in contracts.**
- 20464 Section 17A-2-845, **Administration.**
- 20465 Section 17A-2-846, **Action by ordinance.**
- 20466 Section 17A-2-847, **Fiscal year -- Annual statements.**
- 20467 Section 17A-2-848, **Validating provision.**
- 20468 Section 17A-2-849, **Time for expenditure of tax revenues.**
- 20469 Section 17A-2-850, **Reserve funds -- Creation -- Use of funds -- Limitation.**

- 20470 Section **17A-2-851, Separability.**
- 20471 Section **17A-2-901, Organization authorized.**
- 20472 Section **17A-2-906, Board of trustees -- Appointment -- Number.**
- 20473 Section **17A-2-907, Board of trustees -- Vacancies -- Other provisions applicable.**
- 20474 Section **17A-2-908, Powers of board of trustees.**
- 20475 Section **17A-2-909, Taxation -- Limit of levy.**
- 20476 Section **17A-2-911, Collection and disbursement of taxes.**
- 20477 Section **17A-2-914, Notices -- Publication and posting.**
- 20478 Section **17A-2-1001, Short title.**
- 20479 Section **17A-2-1002, Legislative findings.**
- 20480 Section **17A-2-1003, Part to be liberally construed.**
- 20481 Section **17A-2-1004, Definitions.**
- 20482 Section **17A-2-1016, Powers of incorporated district -- Bidding -- Eminent domain.**
- 20483 Section **17A-2-1017, Consent required to control facilities -- Competition with**
- 20484 **existing publicly or privately owned public carriers prohibited.**
- 20485 Section **17A-2-1018, Rates and charges for service.**
- 20486 Section **17A-2-1019, Hearings on rates and charges and proposed facility location.**
- 20487 Section **17A-2-1020, Hearings.**
- 20488 Section **17A-2-1021, Intervention by municipality or county at hearings.**
- 20489 Section **17A-2-1022, Cross-examination -- Introduction of evidence not covered on**
- 20490 **direct.**
- 20491 Section **17A-2-1023, Technical rules of evidence not to apply.**
- 20492 Section **17A-2-1024, Record of hearing -- Review.**
- 20493 Section **17A-2-1025, Decision of board.**
- 20494 Section **17A-2-1026, Safety regulations.**
- 20495 Section **17A-2-1027, Traffic laws applicable.**
- 20496 Section **17A-2-1028, Bond issues and other indebtedness authorized.**
- 20497 Section **17A-2-1029, Participation in federal programs authorized.**

- 20498 Section 17A-2-1030, **Employee rights and benefits extended under federal law to**
- 20499 **apply.**
- 20500 Section 17A-2-1031, **Employees may organize and bargain collectively -- Strikes**
- 20501 **prohibited -- District to enter into bargaining agreements.**
- 20502 Section 17A-2-1032, **Labor disputes submitted to arbitration -- Selection of board**
- 20503 **-- Parties to share expense.**
- 20504 Section 17A-2-1033, **Acquisition of existing public transit systems -- Rights and**
- 20505 **benefits of employees preserved.**
- 20506 Section 17A-2-1034, **Agreements with state or public agency.**
- 20507 Section 17A-2-1035, **Limitation on indebtedness of district.**
- 20508 Section 17A-2-1036, **Investment of district funds.**
- 20509 Section 17A-2-1037, **Elections.**
- 20510 Section 17A-2-1039, **Board of trustees -- Powers and duties.**
- 20511 Section 17A-2-1040, **District officers -- Appointment -- Duty -- Compensation --**
- 20512 **Oath -- Bond.**
- 20513 Section 17A-2-1041, **General manager -- Duties -- Term and removal -- Salary to**
- 20514 **be fixed.**
- 20515 Section 17A-2-1042, **Additional powers and duties of general manager.**
- 20516 Section 17A-2-1043, **Certification of taxable value of property by county auditor.**
- 20517 Section 17A-2-1044, **Annual tax levy -- Election.**
- 20518 Section 17A-2-1045, **Collection of taxes by county officers.**
- 20519 Section 17A-2-1046, **Counties may withhold percentage for services rendered.**
- 20520 Section 17A-2-1047, **Enforcement of liens -- Sales and redemptions -- Disposition**
- 20521 **of proceeds.**
- 20522 Section 17A-2-1048, **Board of trustees representation for newly annexed area.**
- 20523 Section 17A-2-1051, **Members of board subject to recall.**
- 20524 Section 17A-2-1052, **Board may promulgate additional rules.**
- 20525 Section 17A-2-1053, **Action by ordinance permitted.**

- 20526 Section 17A-2-1054, Fiscal year -- Annual statement of revenues and expenditures.
- 20527 Section 17A-2-1055, Title to vest in district -- Property exempt from taxation.
- 20528 Section 17A-2-1056, Claims against district -- Procedures.
- 20529 Section 17A-2-1057, Property exempt from execution -- Court may require tax
- 20530 levy.
- 20531 Section 17A-2-1058, District may issue bonds.
- 20532 Section 17A-2-1059, Funding districts -- Ceiling exempt tax.
- 20533 Section 17A-2-1060, Budget examination and comment.
- 20534 Section 17A-2-1401, Declaration of benefits and policy.
- 20535 Section 17A-2-1402, Short title -- Title of districts and bonds -- Requirements as to
- 20536 publication -- Definitions.
- 20537 Section 17A-2-1412, Duties of secretary -- Board may employ chief engineer,
- 20538 attorney, and other employees.
- 20539 Section 17A-2-1413, District powers -- Powers of board of trustees -- Other
- 20540 provisions applicable.
- 20541 Section 17A-2-1414, Who may enter into contracts -- Permissible purposes of
- 20542 contracts -- Agreements and leases -- Elections for water purchase contracts.
- 20543 Section 17A-2-1415, Contracts with subdivisions of other states.
- 20544 Section 17A-2-1416, Restoration of affected street or highway -- District subject to
- 20545 certain rules of county, city, or town.
- 20546 Section 17A-2-1417, Plans -- Available for public inspection -- Contents.
- 20547 Section 17A-2-1418, Utilization or distribution of electric power -- Subject to terms
- 20548 and conditions of contracts -- Use of revenues.
- 20549 Section 17A-2-1419, Franchise not required.
- 20550 Section 17A-2-1420, Organization of subdistricts -- Authority -- Bonds -- Board of
- 20551 trustees -- Powers -- Validation of proceedings -- Separability clause.
- 20552 Section 17A-2-1421, Inclusion of existing district in another district -- Powers and
- 20553 authority of districts -- Contracts between districts -- Public corporations within districts.

- 20554 Section 17A-2-1422, District board may levy and collect taxes and special
- 20555 **assessments -- Classification of methods.**
- 20556 Section 17A-2-1423, Levy and collection of taxes under class A -- Rate of levy.
- 20557 Section 17A-2-1424, Board may sell or lease water to municipalities upon petition
- 20558 **-- Levy and collection of special assessments under class B.**
- 20559 Section 17A-2-1425, Board may sell or lease water to irrigation districts -- Levy
- 20560 **and collection of special assessments under class C.**
- 20561 Section 17A-2-1426, Board may sell or lease water on petition -- Levy and
- 20562 **collection of taxes under class D.**
- 20563 Section 17A-2-1427, Additional taxes and assessments to pay deficiencies.
- 20564 Section 17A-2-1428, Objections to assessments -- Hearings -- Procedure -- Appeal.
- 20565 Section 17A-2-1429, Officials charged with duty to collect taxes -- Taxes levied
- 20566 **create lien -- Status of lien.**
- 20567 Section 17A-2-1430, Tax sales.
- 20568 Section 17A-2-1431, Property exempt from assessments.
- 20569 Section 17A-2-1432, Board may dispose of water under term contracts.
- 20570 Section 17A-2-1433, Liens to secure payment of annual installments.
- 20571 Section 17A-2-1434, Creation of sinking fund.
- 20572 Section 17A-2-1435, Powers of board in distribution of water.
- 20573 Section 17A-2-1436, Rulemaking and enforcement power of board.
- 20574 Section 17A-2-1439, Contracts providing for payment in installments -- Issuance
- 20575 **and sale of bonds -- Sinking fund -- Covenants -- Default -- Revenue obligations --**
- 20576 **Refunding bonds.**
- 20577 Section 17A-2-1440, Election for issuance of bonds or incurring contract
- 20578 **indebtedness or obligation -- When an election is not required.**
- 20579 Section 17A-2-1441, Majority authorizes issuance of bonds -- Resubmission of
- 20580 **proposition.**
- 20581 Section 17A-2-1442, Board may petition district court for judicial determination of

- 20582 **its acts -- Procedure.**
- 20583 Section 17A-2-1443, **Due notice -- Jurisdiction of district court.**
- 20584 Section 17A-2-1444, **Hearings to be advanced.**
- 20585 Section 17A-2-1445, **Part to be liberally construed.**
- 20586 Section 17A-2-1446, **Partial invalidity -- Savings clause.**
- 20587 Section 17A-2-1447, **Acts in conflict nonoperative as to this part.**
- 20588 Section 17A-2-1448, **Validation of proceedings -- Changes.**
- 20589 Section 17A-2-1449, **Validation of proceedings and actions -- Changes in validated**
- 20590 **contracts, bond proceedings or bonds authorized.**
- 20591 Section 17A-2-1801, **Title.**
- 20592 Section 17A-2-1802, **Purpose.**
- 20593 Section 17A-2-1803, **Area -- Procedures -- Appeals.**
- 20594 Section 17A-2-1804, **Services provided.**
- 20595 Section 17A-2-1805, **Body corporate -- Authority.**
- 20596 Section 17A-2-1806, **Levy and collection of tax -- Property subject to tax -- Service**
- 20597 **charges.**
- 20598 Section 17A-2-1807, **Tax rate -- Limitation.**
- 20599 Section 17A-2-1808, **Board of trustees -- Selection procedure -- Other provisions**
- 20600 **applicable.**
- 20601 Section 17A-2-1821, **Annexation areas to be included in election districts.**
- 20602 Section 17A-2-1822, **Ratification of county service areas -- Bond issuance --**
- 20603 **Amendatory proceedings.**
- 20604 Section 17A-2-1823, **Bond issuance.**
- 20605 Section 17A-2-1824, **Maximum bonded indebtedness.**
- 20606 Section 17A-2-1826, **Sinking fund.**
- 20607 Section 17A-2-1828, **Taxation of property.**
- 20608 Section 17A-2-1829, **Property exempt from execution -- Court may require tax**
- 20609 **levy.**

- 20610 Section 17A-2-1830, **Limitation of liability.**
- 20611 Section 17A-2-1831, **Publication -- Time limit for contesting legality.**
- 20612 Section 17A-2-1832, **Severability clause.**
- 20613 Section 17A-3-201, **Short title.**
- 20614 Section 17A-3-202, **Purpose.**
- 20615 Section 17A-3-203, **Definitions.**
- 20616 Section 17A-3-204, **Powers of the county legislative body.**
- 20617 Section 17A-3-205, **Notice of intent to create special improvement district --**
- 20618 **Contents.**
- 20619 Section 17A-3-206, **Publication and mailing of notice of intention.**
- 20620 Section 17A-3-207, **Protests -- Hearing -- Alteration of proposal by resolution --**
- 20621 **Adding property to district -- Removal of protesters' property from district -- Recording**
- 20622 **requirements -- Waiver of objections.**
- 20623 Section 17A-3-208, **Contract required for improvement -- Bidding requirements --**
- 20624 **Exceptions.**
- 20625 Section 17A-3-209, **Payment of contracts -- Progress payments -- Retainage.**
- 20626 Section 17A-3-210, **Interim warrants.**
- 20627 Section 17A-3-211, **Utility connections and relocations ordered before paving --**
- 20628 **Assessing costs.**
- 20629 Section 17A-3-212, **Time for levy.**
- 20630 Section 17A-3-213, **Amount of assessment -- Payment from general funds.**
- 20631 Section 17A-3-214, **Ordinary repairs paid for by governing entity -- Grade change**
- 20632 **cost partially paid by governing entity -- Intersection improvement costs.**
- 20633 Section 17A-3-215, **Exemption of publicly-owned property -- Exception -- Service**
- 20634 **charges.**
- 20635 Section 17A-3-216, **Areas subject to assessment -- Methods of assessment.**
- 20636 Section 17A-3-217, **Assessment list -- Board of equalization and review -- Notice --**
- 20637 **Publication -- Hearings -- Corrections -- Report -- Waiver of objections.**

- 20638 Section 17A-3-218, **Assessment ordinance -- Publication -- Assessment list**
- 20639 **incorporated by reference.**
- 20640 Section 17A-3-219, **Supplemental assessment.**
- 20641 Section 17A-3-220, **Period for paying assessments -- Frequency of installments --**
- 20642 **Interest.**
- 20643 Section 17A-3-221, **Prepayment of assessment installments.**
- 20644 Section 17A-3-222, **Default in payment of assessment installment.**
- 20645 Section 17A-3-223, **Lien for assessment -- Priority.**
- 20646 Section 17A-3-224, **Sale of property to collect assessment.**
- 20647 Section 17A-3-225, **Payments from guaranty fund or reserve fund to avoid default**
- 20648 **-- Recovery from sale proceeds.**
- 20649 Section 17A-3-226, **Assessment proceeds constitute fund -- Disposition --**
- 20650 **Investment.**
- 20651 Section 17A-3-227, **Special improvement refunding bonds.**
- 20652 Section 17A-3-228, **Bonds.**
- 20653 Section 17A-3-229, **Errors or irregularities not voiding assessment -- Action to**
- 20654 **enjoin levy or collection -- Limitation of actions.**
- 20655 Section 17A-3-230, **Liability of governing entity on bonds.**
- 20656 Section 17A-3-231, **Disposition of surplus assessment -- Disposition of assessment**
- 20657 **proceeds on abandonment of improvement.**
- 20658 Section 17A-3-232, **Special Improvement Guaranty Fund -- Sources -- Uses --**
- 20659 **Investment -- Subaccounts.**
- 20660 Section 17A-3-233, **Reserve fund in lieu of special improvement guaranty fund --**
- 20661 **Investment.**
- 20662 Section 17A-3-234, **Special improvement fund surplus after bonds and warrants**
- 20663 **paid.**
- 20664 Section 17A-3-235, **Special improvement fund insufficient to pay bonds.**
- 20665 Section 17A-3-236, **Assessments on property acquired by governing entity at final**

- 20666 **tax sale paid from guaranty fund or reserve fund -- Reimbursement.**
- 20667 Section 17A-3-237, Subrogation of governing entity for payments from guaranty
- 20668 **or reserve fund.**
- 20669 Section 17A-3-238, Insufficiency of guaranty or reserve fund -- Replenishment --
- 20670 **Warrants -- Tax levy to pay warrants.**
- 20671 Section 17A-3-239, Excess amount in guaranty fund -- Transfers to General Fund
- 20672 **-- Special improvement refunding bonds.**
- 20673 Section 17A-3-240, Other methods for making improvements unaffected.
- 20674 Section 17A-3-241, Validation of prior proceedings, bonds and warrants.
- 20675 Section 17A-3-242, Separability clause.
- 20676 Section 17A-3-243, Release of assessment.
- 20677 Section 17A-3-244, Dissolution of districts -- Payment of claims.
- 20678 Section 17A-3-301, Short title.
- 20679 Section 17A-3-302, Purpose.
- 20680 Section 17A-3-303, Definitions.
- 20681 Section 17A-3-304, Powers of municipality.
- 20682 Section 17A-3-305, Notice of intent to create special improvement district --
- 20683 **Contents.**
- 20684 Section 17A-3-306, Notice of intention to create district -- Publication -- Mailing.
- 20685 Section 17A-3-307, Protests by property owners -- Hearing -- Alteration of
- 20686 **proposal by resolution -- Conditions for adding property to district -- Deletion of**
- 20687 **protesters' property from district -- Recording requirements -- Waiver of objections.**
- 20688 Section 17A-3-308, Contracting for improvements -- Bids, publication, and notice
- 20689 **-- Improvements for which contracts need not be let.**
- 20690 Section 17A-3-309, Payment of contracts.
- 20691 Section 17A-3-310, Interim warrants.
- 20692 Section 17A-3-311, Connections of public utilities -- Service owned or provided by
- 20693 **municipality, power to assess cost of connection.**

- 20694 Section **17A-3-312, When assessments may be levied.**
- 20695 Section **17A-3-313, Amount and payment of assessment.**
- 20696 Section **17A-3-314, Costs not payable by assessments.**
- 20697 Section **17A-3-315, Property of public agencies not assessable -- Charges for**
- 20698 **services or materials permitted -- Property acquired after creation of district.**
- 20699 Section **17A-3-316, Areas subject to assessment -- Methods of assessment.**
- 20700 Section **17A-3-317, Assessment list -- Board of equalization and review -- Hearings**
- 20701 **-- Appeal -- Corrections -- Report -- Waiver of objections.**
- 20702 Section **17A-3-318, Assessment ordinance -- Publication -- Assessment list**
- 20703 **incorporated by reference.**
- 20704 Section **17A-3-319, Supplemental assessment.**
- 20705 Section **17A-3-320, Payment of assessments in installments -- Frequency -- Interest.**
- 20706 Section **17A-3-321, Prepayment of assessment installments.**
- 20707 Section **17A-3-322, Default in payment of assessment installment.**
- 20708 Section **17A-3-323, Lien for assessment -- Priority.**
- 20709 Section **17A-3-324, Sale of property to collect assessment.**
- 20710 Section **17A-3-325, Payments from guaranty fund or reserve fund to avoid default**
- 20711 **-- Recovery from sale proceeds.**
- 20712 Section **17A-3-326, Special improvement fund.**
- 20713 Section **17A-3-327, Improvement revenues account.**
- 20714 Section **17A-3-328, Special improvement bonds.**
- 20715 Section **17A-3-329, Special improvement refunding bonds.**
- 20716 Section **17A-3-330, Objection to assessment -- Actions to enjoin levy or set aside**
- 20717 **proceedings.**
- 20718 Section **17A-3-331, Payment of special improvement bonds.**
- 20719 Section **17A-3-332, Total assessments greater than cost of improvements -- Surplus**
- 20720 **to special improvement guaranty fund -- Abandonment of improvement.**
- 20721 Section **17A-3-333, Improvement revenues -- Installment payments.**

- 20722 Section 17A-3-334, **Special Improvement Guaranty Fund -- Sources -- Uses --**
- 20723 **Investment -- Subaccounts.**
- 20724 Section 17A-3-335, **Reserve fund in lieu of Special Improvement Guaranty Fund --**
- 20725 **Investment.**
- 20726 Section 17A-3-336, **Interest charges, penalties and other collections greater than**
- 20727 **expenses -- Excess transferred to guaranty fund.**
- 20728 Section 17A-3-337, **Special improvement fund insufficient to pay bonds.**
- 20729 Section 17A-3-338, **Assessments on property acquired by municipality at final tax**
- 20730 **sale paid from guaranty fund or reserve fund -- Reimbursement.**
- 20731 Section 17A-3-339, **Subrogation of municipality for payments from guaranty or**
- 20732 **reserve fund.**
- 20733 Section 17A-3-340, **Insufficiency of guaranty or reserve fund -- Replenishment --**
- 20734 **Warrants -- Tax levy to pay warrants.**
- 20735 Section 17A-3-341, **Excess amount in guaranty fund -- Special improvement**
- 20736 **refunding bonds.**
- 20737 Section 17A-3-342, **Intent.**
- 20738 Section 17A-3-344, **Proceedings prior to act validated -- Exceptions.**
- 20739 Section 17A-3-345, **Release of assessment.**
- 20740 Section 17B-2-217, **Limitation on initiating process to create local district.**
- 20741 Section 17B-2-804, **Collection of past due fees for water or sewer service -- Civil**
- 20742 **action authorized.**
- 20743 Section 17B-2-805, **Notice.**
- 20744 Section 54-3-25, **Telephone corporations -- Publishing special purpose district**
- 20745 **names and telephone numbers.**
- 20746 Section 469. **Legislative intent.**
- 20747 (1) For the past approximately ten years, the Legislature has been involved in the
- 20748 process of updating and rewriting statutory provisions relating to special districts under Title
- 20749 17A. The focus of this effort has been on what have been called independent special districts

20750 under Chapter 2 of Title 17A. This bill is the culmination of that effort with respect to
20751 independent special districts, except special service districts, and begins the process of
20752 rewriting provisions applicable to dependent special districts under Chapter 3 of Title 17A.

20753 (2) Before this rewrite began, each of the various types of independent special districts
20754 had its own set of provisions governing the district. Although some of the provisions were
20755 unique to the specific type of district, many were similar to the provisions governing other
20756 types of districts. A substantial goal of the rewrite has been to simplify, consolidate, and
20757 standardize, as much as possible, these similar but different provisions so that, where possible,
20758 only one set of provisions governs all types of districts. If there were provisions that were
20759 unique to a particular type of district, those provisions were updated and simplified but
20760 continue to apply only to that type of district.

20761 (3) The effort to achieve standardization has required some substantive changes to
20762 provisions affecting one or more types of independent special districts. These substantive
20763 changes have been made in order to simplify, consolidate, and standardize provisions
20764 applicable to independent special districts, now called local districts. The Legislature intends
20765 that none of these changes disturb the body of case law that has developed over the years
20766 relating to the underlying principles applicable to this type of local government entity.

20767 (4) In addition, this bill eliminates some intent language that had existed in prior
20768 statute. The Legislature does not intend to effectuate any substantive change by eliminating
20769 that intent language. The elimination of intent language is a reflection of current practice to
20770 avoid intent language in statute and is not intended as a disavowal of the legislative intent
20771 expressed in that language.

20772 **Section 470. Coordinating H.B. 65 with H.B. 103 -- Changing terminology.**

20773 If this H.B. 65 and H.B. 103, Statewide Mutual Aid Act, both pass, it is the intent of the
20774 Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah
20775 Code database for publication:

20776 (1) replace the references in Subsections 53-2-402(5) and 53-2-403(1)(a)(v) and
20777 Section 53-2-404 to "public safety special district" with "public safety district";

20778 (2) modify Subsection 53-2-402(8) to read:

20779 "(8) "Public safety district" means a local district under Title 17B, Limited Purpose
20780 Local Government Entities - Local Districts, or special service district under Title 17A,
20781 Chapter 2, Part 13, Utah Special Service District Act, that provides public safety service."; and

20782 (3) replace the references in Subsections 53-2-405(1) and (2) to "special district" with
20783 "local district, special service district".

20784 Section 471. **Coordinating H.B. 65 with H.B. 140 -- Changing terminology.**

20785 If this H.B. 65 and H.B. 140, Safe Drinking Water Amendments, both pass, it is the
20786 intent of the Legislature that the Office of Legislative Research and General Counsel, in
20787 preparing the Utah Code database for publication, replace the reference in Subsection
20788 19-4-111(7) to "special district" with "local district or special service district".

20789 Section 472. **Coordinating H.B. 65 with H.B. 222 -- Changing terminology.**

20790 If this H.B. 65 and H.B. 222, Open and Public Meetings - Electronic Notice, both pass,
20791 it is the intent of the Legislature that the Office of Legislative Research and General Counsel,
20792 in preparing the Utah Code database for publication, replace the reference in Subsection
20793 52-4-202(3)(b) to "a special district as defined under Title 17A, Special Districts, or a local
20794 district as defined under Title 17B, Chapter 2, Local Districts, has a current annual budget of
20795 less than \$1,000,000, a public body of the municipality, special district, or local district" with
20796 "a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts,
20797 a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act,
20798 or a dependent district under Title 17A, Chapter 3, Dependent Districts, has a current annual
20799 budget of less than \$1,000,000, a public body of the municipality, local district, special service
20800 district, or dependent district".

20801 Section 473. **Coordinating H.B. 65 with H.B. 253 -- Changing terminology.**

20802 If this H.B. 65 and H.B. 253, Allowing State Memorials on State Property, both pass, it
20803 is the intent of the Legislature that the Office of Legislative Research and General Counsel, in
20804 preparing the Utah Code database for publication, replace the references in Subsections
20805 11-42-102(1)(b) and 63-9-68(1)(b) to "special district as defined under Title 17A, Special

20806 Districts, or a local district as defined under Title 17B, Chapter 2, Local Districts" with "local
20807 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a special
20808 service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, or a
20809 dependent district under Title 17A, Chapter 3, Dependent Districts".

20810 Section 474. **Coordinating H.B. 65 with H.B. 272 -- Changing terminology.**

20811 If this H.B. 65 and H.B. 272, Prohibition Relating to Fees on Foster Homes for the Use
20812 of Emergency Services, both pass, it is the intent of the Legislature that the Office of
20813 Legislative Research and General Counsel, in preparing the Utah Code database for
20814 publication:

20815 (1) modify Subsection 11-42-102(3)(b) to read:

20816 "(b) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service
20817 District Act;" and

20818 (2) modify Subsection 11-42-102(3)(e) to read:

20819 "(e) a local district under Title 17B, Limited Purpose Local Government Entities - Local
20820 Districts.".

20821 Section 475. **Coordinating H.B. 65 with H.B. 337 -- Changing terminology.**

20822 If this H.B. 65 and H.B. 337, Local Government Post-Employment Benefit Trust Fund
20823 Amendments, both pass, it is the intent of the Legislature that the Office of Legislative
20824 Research and General Counsel, in preparing the Utah Code database for publication, replace
20825 the reference in Subsection 51-7-3(15) to "special district," with "local district under Title 17B,
20826 Limited Purpose Local Government Entities - Local Districts, special service district under
20827 Title 17A, Chapter 2, Part 13, Utah Special Service District Act,".

20828 Section 476. **Coordinating H.B. 65 with H.B. 372 -- Merging substantive**
20829 **amendments.**

20830 If this H.B. 65 and H.B. 372, Local District Amendments, both pass, it is the intent of
20831 the Legislature that the Office of Legislative Research and General Counsel, in preparing the
20832 Utah Code database for publication, merge the amendments so that Subsection 17B-1-105(2)
20833 reads:

20834 "(2) The name of a local district created after April 30, 2007 may not include the name
20835 of a county or municipality, unless the service the district provides is transportation.".

20836 Section 477. **Coordinating H.B. 65 with H.B. 430 -- Changing terminology.**

20837 If this H.B. 65 and H.B. 430, Public Employees Union Financial Responsibility Act,
20838 both pass, it is the intent of the Legislature that the Office of Legislative Research and General
20839 Counsel, in preparing the Utah Code database for publication, modify Subsection
20840 34-44-102(2)(a) to read:

20841 "(2) (a) "Governmental entity" means the state including any departments, units, or
20842 administrative subdivisions and any of the state's political subdivisions, including any county,
20843 municipality, school district, local district, special service district, or any administrative
20844 subdivision of those entities."

20845 Section 478. **Coordinating H.B. 65 with H.B. 450 -- Changing terminology --**
20846 **Merging substantive amendments.**

20847 If this H.B. 65 and H.B. 450, Law Enforcement Districts, both pass, it is the intent of
20848 the Legislature that the Office of Legislative Research and General Counsel, in preparing the
20849 Utah Code database for publication:

20850 (1) replace the reference in Subsection 10-2-419(2)(b)(v) to "Section 17B-2-515.5"
20851 with "Section 17B-1-416";

20852 (2) replace the reference in Subsection 10-2-419(2)(b)(vi) to "Subsection
20853 17B-2-602(2)" with "Subsection 17B-1-503(2)";

20854 (3) modify Subsection 17-22-2(3)(a)(ii) to read:

20855 "(ii) a service area under Title 17B, Chapter 2a, Part 9, Service Area Act, created to
20856 provide extended police protection service and in the creation of which an election was not
20857 required under Subsection 17B-1-214(3)(c).";

20858 (4) merge the amendments to Subsection 17B-2a-905(1)(a) to read:

20859 "(1) (a) Except as provided in Subsections (2) and (3)";

20860 (5) insert a new Subsection 17B-2a-905(3) to read:

20861 "(3) (a) As used in this Subsection (3):

20862 (i) "Jurisdictional boundaries" means:
20863 (A) for a county that is a police district participant, the unincorporated area of the
20864 county that is included within the police district; and
20865 (B) for a municipality that is a police district participant, the area within the boundaries
20866 of the municipality.
20867 (ii) "Police district" means a service area:
20868 (A) created on or after April 30, 2007;
20869 (B) created to provide extended police protection service; and
20870 (C) in the creation of which an election was not required under Subsection
20871 17B-1-214(3)(c).
20872 (iii) "Police district participant" means:
20873 (A) a county whose unincorporated area is partially or fully included within a police
20874 district, whether in conjunction with the creation of the police district or by later annexation; or
20875 (B) a municipality whose area is included within the police district, whether in
20876 conjunction with the creation of the police district or by later annexation.
20877 (b) Each police district participant shall appoint to the board of trustees of the police
20878 district:
20879 (i) one member, if the population within the jurisdictional boundaries of the police
20880 district participant does not exceed 50,000;
20881 (ii) two members, if the population within the jurisdictional boundaries of the police
20882 district participant exceeds 50,000 but does not exceed 100,000; and
20883 (iii) three members, if the population within the jurisdictional boundaries of the police
20884 district participant exceeds 100,000.
20885 (c) One of the members appointed under Subsection (3)(b) by a county that is a police
20886 district participant shall be the county sheriff.
20887 (d) Notwithstanding Subsection 17B-1-302(2), the number of members of a police
20888 district board of trustees shall be the number resulting from application of Subsection (3)(b).
20889 (e) An employee of the police district may not serve as a member of the board of

20890 trustees.";

20891 (6) merge the amendments in Subsection 17B-1-1002(1)(i)(i)(B) to read:

20892 "(B) provides:

20893 (I) fire protection, paramedic, and emergency services; or

20894 (II) extended police protection service; or";

20895 (7) modify Subsection 17B-1-214(3)(c) to read:

20896 "(c) [~~to~~] a resolution [~~adopted~~] under Subsection [~~17B-2-203~~] 17B-1-203 (1)(c) [~~on or~~

20897 after May 5, 2003] that:

20898 (i) (A) proposes the creation of a local district to provide fire protection, paramedic,

20899 and emergency services, if the proposed local district includes a majority of the unincorporated

20900 area of one or more counties[-]; and

20901 (B) was adopted on or after May 3, 2003; or

20902 (ii) (A) proposes the creation of a local district to provide extended police protection

20903 service, if the proposed local district includes:

20904 (I) a majority of the unincorporated area of a single county; and

20905 (II) no area of any other county, unless that area is entirely within a municipality whose

20906 boundaries are included in the local district and a majority of whose land area is located within

20907 the county whose unincorporated area is included in the local district; and

20908 (B) was adopted on or after April 30, 2007; or";

20909 (8) modify Subsection 17B-1-416(1)(a) to read:

20910 "(a) the local district provides:

20911 (i) fire protection, paramedic, and emergency services; or

20912 (ii) extended police protection service;";

20913 (9) modify Subsection 17B-1-502(2)(a)(i) to read:

20914 "(i) the local district provides:

20915 (A) fire protection, paramedic, and emergency services; or

20916 (B) extended police protection service;"; and

20917 (10) modify Subsection 17B-1-505(1)(a)(i) to read:

20918 _(i) that provides:

20919 (A) fire protection, paramedic, and emergency services; [~~and~~] or

20920 (B) extended police protection service; and".

20921 Section 479. **Coordinating H.B. 65 with S.B. 22 -- Changing technical cross**
20922 **reference.**

20923 If this H.B.65 and S.B. 22, Sales and Use Tax Exemptions For Certain Governmental
20924 Entities and Entities Within the State Systems of Public and Higher Education, both pass, it is
20925 the intent of the Legislature that the Office of Legislative Research and General Counsel, in
20926 preparing the Utah Code database for publication, replace the reference in Subsection
20927 59-12-102(36)(a)(vi) to "Section 17B-2-101" with "Section 17B-1-102".

20928 Section 480. **Coordinating H.B. 65 with S.B. 95 -- Changing terminology and**
20929 **technical cross references.**

20930 If this H.B. 65 and S.B. 95, Permanent Instream Flow to Preserve Water Quality, both
20931 pass, it is the intent of the Legislature that the Office of Legislative Research and General
20932 Counsel, in preparing the Utah Code database for publication, replace the language in
20933 Subsection 73-3-30(3)(a) to "a special district, as defined in Subsection 17A-1-404(19)(c), (d),
20934 (g), or (l)," with "a special service district under Title 17A, Chapter 2, Part 13, Utah Special
20935 Service District Act, a service area under Title 17B, Chapter 2a, Part 9, Service Area Act, a
20936 water conservancy district under Title 17B, Chapter 2a, Part 10, Water Conservancy District
20937 Act, a county providing water or sewer service to an assessment area under Title 11, Chapter
20938 42, Assessment Area Act,".

20939 Section 481. **Coordinating H.B. 65 with S.B. 98 -- Changing terminology and**
20940 **merging substantive amendments.**

20941 If this H.B. 65 and S.B. 98, Governmental Immunity for Trails, both pass, it is the intent
20942 of the Legislature that the Office of Legislative Research and General Counsel, in preparing the
20943 Utah Code database for publication, modify Subsection 78-27-63(2) to read:

20944 "(2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,
20945 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or

20946 recover from any of the following entities for personal injury or property damage resulting from
20947 any of the inherent risks of participating in a recreational activity:

20948 (a) a county, municipality, [~~or independent special~~] local district under Title [~~17A,~~
20949 ~~Chapter 2, Independent Special Districts, for personal injury or property damage resulting from~~
20950 ~~any of the inherent risks of participating in a recreational activity;]~~ 17B, Limited Purpose Local
20951 Government Entities - Local Districts, special service district under Title 17A, Chapter 2, Part
20952 13, Utah Special Service District Act, or dependent district under Title 17A, Chapter 3,
20953 Dependent Districts; or

20954 (b) the owner of property that is leased, rented, or otherwise made available to a
20955 county, municipality, local district, special service district, or dependent district for the purpose
20956 of providing or operating a recreational activity."

20957 Section 482. **Coordinating H.B. 65 with S.B. 111 -- Changing terminology.**

20958 If this H.B. 65 and S.B. 111, Free Exercise of Religion Without Government
20959 Interference, both pass, it is the intent of the Legislature that the Office of Legislative Research
20960 and General Counsel, in preparing the Utah Code database for publication, replace the
20961 reference in Subsection 63-90c-102(2)(a) to "a special district" with "a local district under Title
20962 17B, Limited Purpose Local Government Entities - Local Districts, a special service district
20963 under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, a dependent district
20964 under Title 17A, Chapter 3, Dependent Districts,".

20965 Section 483. **Coordinating H.B. 65 with S.B. 172 -- Changing terminology.**

20966 If this H.B. 65 and S.B. 172, Municipal Land Use, Development, and Management
20967 Changes, both pass, it is the intent of the Legislature that the Office of Legislative Research
20968 and General Counsel, in preparing the Utah Code database for publication, modify Subsection
20969 10-9a-305(8)(a) to read:

20970 "(a) is owned by a local district, special service district, or other political subdivision of
20971 the state;".

20972 Section 484. **Coordinating H.B. 65 with S.B. 232 -- Changing terminology.**

20973 If this H.B. 65 and S.B. 232, Military Installation Development Authority, both pass, it

20974 is the intent of the Legislature that the Office of Legislative Research and General Counsel, in
20975 preparing the Utah Code database for publication, modify Subsection 63H-1-102(10)(b) to
20976 read:

20977 "(b) a political subdivision of the state, including a county, city, town, school district,
20978 local district, special service district, or interlocal cooperation entity."

20979 Section 485. **Revisor instructions.**

20980 It is the intent of the Legislature that the Office of Legislative Research and General
20981 Counsel, in preparing the Utah Code database for publication for sections not referenced in this
20982 bill:

20983 (1) replace the phrase "special district" or similar language having the same intent, in
20984 both existing code and in new language under bills enacted during the 2007 General Session,
20985 with:

20986 (a) if the context indicates that the phrase refers to independent special districts, "local
20987 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, and
20988 special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act";
20989 or

20990 (b) if the context indicates that the phrase refers to both independent special districts
20991 and dependent special districts, "local district under Title 17B, Limited Purpose Local
20992 Government Entities - Local Districts, special service district under Title 17A, Chapter 2, Part
20993 13, Utah Special Service District Act, and dependent district under Title 17A, Chapter 3,
20994 Dependent Districts"; and

20995 (2) replace the phrase "independent special district," in both existing code and in new
20996 language under bills enacted during the 2007 General Session, with "local district under Title
20997 17B, Limited Purpose Local Government Entities - Local Districts, and special service district
20998 under Title 17A, Chapter 2, Part 13, Utah Special Service District Act".